

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1200-FN, an act relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time.

Adopted.

LATE SESSION ANNOUNCEMENTS

SENATOR COHEN (RULE #44): Next November 7th is a big day for all of us here. I for one expect to be celebrating that day, but it is not necessarily for reelection, that is about the day we are expecting a new baby.

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of introducing legislation, referring bills to committee and scheduling hearings, House messages, enrolled bills and amendments and that when we adjourn we adjourn to Thursday, April 27, 2000 at 10:00 a.m.

Adopted.

LATE SESSION Third Reading and Final Passage

HB 226-L, establishing municipality bond payment schedules and percentages.

HB 304, relative to school employee and volunteer background investigations.

HB 312, relative to the carrying of firearms in courthouses.

SB 329, relative to the display of tobacco products.

SB 337-FN, requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

HB 427, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

SB 459, relative to underinsured motorists.

SB 461, establishing a committee to study the creation of a flag to honor all police departments in the state.

SB 464, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

SB 467, relative to the exemption from regulation of certain elevating devices.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

SB 469, relative to mutual insurance holding companies.

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying articles 12 of the 1999 Seabrook annual town meeting.

HB 505-FN, establishing a special license plate for veterans.

HB 1143-FN, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

HB 1149, commemorating the anniversary of the founding of certain branches of the United States armed forces.

HB 1151, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives.

HB 1156, establishing June 20th each year as Destroyer Escort Day.

HB 1160, relative to access to the enhanced 911 system.

HB 1191-FN-L, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

HB 1194, relative to the composition of planning boards in certain cities.

HB 1242, relative to the standard for modification of a child custody order.

HB 1265-FN, relative to registration of certain antique OHRVs.

HB 1322, relative to the regulation of certain outdoor advertising devices.

HB 1357-FN, relative to the sale of state-owned property in the towns of Belmont and Laconia.

HB 1373, relative to payments of first and second mortgage home loans.

HB 1382-FN, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids.

HB 1390, establishing a commission to study the relationship between public health and the environment.

HB 1422-FN, relative to the composition of and procedures for the appellate board of the department of employment security.

HB 1448, relative to the partition of real property.

HB 1450-FN, relative to hearings and appeals of equal pay claims.

HB 1465, extending the reporting date of the committee to study the non-group health insurance market.

HB 1559-FN, establishing a committee to study the organization and functions of the New Hampshire state port authority.

HB 1607, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services.

HB 1614, naming 2 bridges.

SJR 1, concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan.

SCR 5, urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines.

SCR 6, urging the President and Congress to address the challenge of high prescription medication prices.

HCR 24, relative to integration of people with disabilities.

HCR 33, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river.

In recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment to the following entitled House Bill sent down from the Senate:

SB 374, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl.

SB 447-FN, relative to campaign contributions and expenditures.

SCR 3, a resolution rescinding the 1979 call for a federal constitutional convention.

CACR 23, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) the general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 307, relative to biosolids and short paper fiber.

SB 322, extending the needle exchange pilot program.

SB 339-FN, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth.

SB 364, relative to benefits for permanent bodily losses under workers' compensation.

SB 370, relative to reflectors on bicycle pedals.

SB 390-FN, relative to vested deferred retirement benefits for group II members.

SB 407-FN-L, relative to dog licensure.

SB 417-FN-L, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits.

SB 443-FN, relative to veterinarian reimbursement for the animal population control program.

SB 455, relative to campgrounds.

SB 456, relative to testing newborns for deafness.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Senate Bills sent down from the Senate:

SB 384, establishing a committee to study pollution prevention and pre-treatment programs for reducing pollutant levels in sewage sludge.

SB 387-FN-L, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system.

SB 408, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

SB 414-FN, reorganizing the divisions of the department of corrections.

SB 442-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services.

HOUSE MESSAGE

The House of Representatives has passed Bills and Resolutions with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1521-FN-L, relative to the definition and administration of an adequate education.

HB 1627, relative to the exchange of certain land in the town of Rindge.

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

CACR 2, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

INTRODUCTION OF HOUSE BILLS

Senator Cohen offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1521-CACR 2 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1521-FN-L, relative to the definition and administration of an adequate education. **Education**

HB 1627, relative to the exchange of certain land in the town of Rindge. **Transportation**

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. **Internal Affairs**

CACR 2, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes. **Judiciary**

INTRODUCTION OF SENATE BILLS

Senator Cohen offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 472 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 472, relative to final authorization of electric rate reduction financing and commission action. (Sen. Below, Dist. 5; Sen. F. King, Dist. 1; Sen. D'Allesandro, Dist. 20; Sen. Fraser, Dist. 4; Sen. Disnard, Dist. 8; Sen. Hollingworth, Dist. 23; Sen. Johnson, Dist. 3; Sen. J. King, Dist. 18; Sen. Trombly, Dist. 7; Sen. Klemm, Dist. 22; Rep. Bradley, Carr 8; Rep. MacGillivray, Hills 21; Rep. Lynde, Hills 24; Rep. Norelli, Rock 31; Rep. Guay, Coos 6: **Energy and Economic Development**)

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Thursday, April 27, 2000 at 10:00 a.m.

Adopted.

Adjournment.

April 27, 2000

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Father David P. Jones, Senate Chaplain.

Good morning, for some of you who don't know, I have the sad duty of letting you know that one of your colleagues, Eleanor Podles, died yesterday or this morning, I am not exactly sure which. The things that I was going to say to you this morning sort of become irrelevant because from time to time in the middle of the super heated political environment of a place like this, we forget that it is the people in our lives that

really matter. At a time like this, it doesn't matter if you are a Republican, Democrat, Liberal or conservative or anything in between. Eleanor sat in the seat where Pat is sitting right now for, I think, 16 years or so, and was my Senator for a lot of those years. She loved to play golf, but more than that she loved the Senate and she loved taking care of her constituents. I remember her telling me over and over and over again that it was her greatest joy. So I ask you today to remember her, and to pray for her and Francis, and her family, and for all of us that now miss this friend who suddenly has disappeared from our sight, but not from right here, our hearts. Let's just have a moment of silence and think of your own favorite Eleanor stories.

Let us pray:

Lord give us now strength to commend this our friend and colleague, into Your loving hands. Bless her family and bless us, as we continue the work that You give us to do now, in the assurance that in the end all things will be well. I bet that she and Junie are having great conversations. Amen.

Senator Klemm led the Pledge of Allegiance.

Senators D'Allesandro and F. King are excused for the day.

INTRODUCTION OF GUESTS NOTICE OF RECONSIDERATION

Senator J. King served notice of reconsideration on **HB 1171**, restricting the payment of salaries to suspended judicial officers.

TAKEN OFF THE TABLE

Senator Wheeler moved to have **HB 1410**, relative to the joint health council, taken off the table.

Adopted.

HB 1410, relative to the joint health council.

SENATOR WHEELER: Thank you. I would like to speak to **HB 1410**. Thank you for taking it off of the table. I want to make, at the very outset, the legislative intent about this bill clear. This is the bill about the Joint Health Council. The legislative intent is that all responsibility for the formulary, lies with the Joint Health Council. Whether the formulary is inclusionary, exclusionary or something else, the Joint Health Council has the authority to determine this. That is the effect of the legislation, and it is the intent of the legislation. I also want to make some corrections to remarks that were made on the floor last week. This is not a bill about expanding a scope or practice through legislation. There is no comparison between this bill and the ones sought by the optometrists to allow them to treat glaucoma. The nurses are not asking for an expanded scope of practice. Nurse practitioners are bound by law, to practice within their scope of practice, meaning that they can treat and prescribe only for disorders that they have been educationally prepared to treat. For example, a woman's healthcare practitioner cannot treat hypertension or thyroid disease in one of her gynecology patients. I have a complete list of the scope of practice areas approved by the Board of Nursing for ARNPs, including the most recent additions to the list. I would ask you to please listen to it so that you understand the narrow specialties within which nurses are able to prescribe. Nurse midwife, pediatric nurse practitioner, family nurse practitioner, women's health nurse practitioner, adult nurse practitioner, geriatric nurse practitioner, school nurse practitioner, psychiatric mental health nurse

practitioner, emergency trauma nurse practitioner, neonatal nurse practitioner, certified registered nurse anesthetist and four more were added in September 1999. Acute care nurse practitioner, rehabilitation nurse practitioners, oncology nurse practitioner, community nurse practitioner. There are 15 defined areas. Each with its limited scope of practice, including prescriptive authority. Nurse practitioners take their profession very seriously. They are carefully regulated and when necessary, disciplined by the Board of Nursing. They have had very few malpractice suits and have a long history of patient satisfaction. Another remark made last week was that we should keep legislation out of medical practice. We all agree with this. Passing this bill, again unamended, keeps the issue out of legislation. We stop micro managing the formulary through legislation and leave the decisions about the formulary up to the Joint Health Council and out of the statutes. If, as was also said on the floor last week, we want to place the issue with the professions who know most about the problem, then we should surely leave the decision about how to manage the formulary to the Joint Health Council and not to us. I have the entire history of when nurses were granted prescriptive authority, when the Joint Health Council was formed and how it has been changed. You all have received this information and have already discussed it when we voted for and passed SB 326. I would be happy to refresh your minds if you would like, bearing in mind that I did sit through a hearing on the death penalty. I have a feeling about what the penalty would be if you asked me to do that, but...SB 326 and HB 1410 are the results of a Joint Senate, House hearing, much discussion and genuine compromise. The compromise is a good one, but it is fragile. If we try to fool around with this bill today, it will be destroyed, I guarantee that. You have voted in favor of these provisions once, please stand by that decision now. One final remark. As for the notion that if nurses wanted to be doctors they should have gone to medical school. Nurses don't want to be doctors. They want to be nurses. That means to be able to practice according to the fullest extent allowed by their specific scope of practice. To deny them this, denies all of us the special care only nurses can give. In a time when there is such a growing shortage of nurses, that some hospitals worry about closing, and many patients at home can find no one to provide services for them, do we really want to say that we don't need nurses to do what they have been educated to do? That we don't value them in all that they do? Please support the work that has been done on these bills, all of the thought that has gone into this, and all of the over 19,000 nurses licensed to practice in New Hampshire, by voting in favor of HB 1410 unamended. Thank you very much.

SENATOR KRUEGER: Madame President, I rise in support of the bill. As I told you last week, this came as Senator Wheeler has so aptly put, from a study committee. This was agreed on. I really believed at that time, the time of agreement, all parties involved had moved dramatically to come up with a compromise that would in fact do what we are all here to do, and that is to serve the people of the state of New Hampshire. I truly believe that, if I recall, in retrospect, exact testimony given during that study committee. We heard the plight of rural areas. We heard a physician who said, "what would I do without this nurse practitioner?" We saw evidence of errors on the formulary, which interfered with the delivery of health as we know it today. I say health as we know it today, because we are dealing with a health system that has dramatically changed. I think that for us, in this state, to know that no nurse practitioner has ever been sued. To know that, that we feel strongly, those of us involved in the

profession of nursing, that we indeed have our own inner barriers that we, and I would like to think that they are called ethics, that they are called morality, that they are called professionalism, that they are called oath to deal with. Lastly, just in case anyone were to think that all doctors oppose this, I am very briefly going to highlight an email letter that was sent to our beloved Senator Squires from a respected colleague of his in Nashua. I love this. "I must tell you again that the argument that nurse practitioners need physicians to tell them what drug is safe for them to use and how to use them, is my opinion and apparently based on the supposition, that just because we went to medical school, we physicians must be the only truly bright, knowledgeable and competent practitioners in the healthcare field. The acknowledged protectors and the defenders of the public. Because I know you to be truly one of the best," I would agree with this and the brightest, "I know that you must agree that this supposition is horse pucky." I think that must be a medical term. "think of all the medical school graduates neither you nor I would choose to care for us or a loved one." I won't even comment on that. "There is no reality to the arguments that "our" meaning doctors, "training and pharmacology better prepared us to access and use drugs. Most of the drugs that I prescribe today," again, this is from a doctor, "say amoxicillin weren't even around when I studied pharmacology. Most of those that I did study have been replaced by entirely new classes of drugs, often better, often safer than those used when I learned. How do you keep up? How would a nurse practitioner keep up? The answer is that we all keep up in the same way. We read, we listen to reviews by experts in the field. We gain experience through our use and our practices. Nurse practitioners study pharmacology too. The Board of Nursing has more stringent requirements regarding this than the Board of Medicine." Did you hear that? The Board of Nursing has more stringent requirements regarding this than the Board of Medicine. "Nurse practitioners have a far cleaner record" this is from a doctor, "than do their physician counterparts when it comes to responsible, prescriptive practice. On this issue, the New Hampshire Medical Society's position does not look out for the best interest of the public, it looks out for the best economic and political interest of physicians in New Hampshire." I will end this shortly. "Do your utmost to pass this bill in its current elaboration. The House has passed it, your committee passed it unopposed. You must stay the course here and not be swayed by the hollow arguments of those who fear competition from other professionals in your role." Again, this is to my dear friend Senator Squires, "in your role as Senator", but it could as well be written to all of us, "you must make difficult decisions, juggling competing interests and opinions, your elected responsibility is to serve the public interest. Whose interest was served by tabling the motion to pass the bill? The right decision here is not opaque. You, and I use the collective you, can make it happen. Thank you very much.

SENATOR FERNALD: Senator Wheeler, I do want to thank you for your advocacy on this bill, even though I have visited a nurse practitioner in the past, I have learned a lot from this process that I didn't know before. I have some questions so that I can make some things clear. As it currently stands now, the Joint Health Council has a formulary that says that nurses in various specialties can use these listed drugs. Is that the way that it works now?

SENATOR WHEELER: Currently, any drug that has come onto the market since 1994 must be approved by the Joint Health Council before it can be prescribed. The nurses find it totally unworkable. They are not even

certain what the date is of some of the drugs that they would like to prescribe. Sometimes they can't approve fast enough to be able to use it in a crisis situation where they would be...according to their scope of practice, otherwise able to use it. The formulary was changed by statute, not by the Joint Health Council, in 1994 to be that sort of a formulary.

SENATOR FERNALD: I guess that wasn't quite the answer that I thought I was expecting. We have had this discussion about inclusionary and exclusionary. I guess that my basic question is, what sort of formulary do we have now?

SENATOR WHEELER: A drug has to be...after 1994, has to be requested for use and then approved by the Joint Health Council before it can be prescribed.

SENATOR FERNALD: So if it isn't on the list, then they can't use it.

SENATOR WHEELER: Yes.

SENATOR FERNALD: Under this bill...

SENATOR WHEELER: Since 1994. Before 1994 they could prescribe according to their scope of practice.

SENATOR FERNALD: So if we pass this bill, then can the Joint Health Council continue as they have, which is to say, as new drugs come on the market, the nurses can't use them until it has gone through the process or is it...?

SENATOR WHEELER: The Joint Health Council can elect to make that decision. We just take it out of statute. The Joint Health Council can make the decision that it wants to make about the formulary and how it should be described.

SENATOR FERNALD: So they could say, here is your scope of practice, and you can use all of the drugs that fall within that scope. Or, they could say, you can't use any drugs unless they are on this list?"

SENATOR WHEELER: Yes.

SENATOR FERNALD: Thank you.

Question is on the motion of ought to pass.

Adopted.

Senator Squires offered a floor amendment.

2000-4253s

01/09

Floor Amendment to HB 1410

Amend RSA 326-B:10-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The duties of the joint health council shall include, but not be limited to, ***determining the type of A.R.N.P. formulary and*** adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. ***The council shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of this section.*** Decisions on [such] ***any*** additions or alterations shall be rendered within 3 months of initial consideration by the council ***unless there is a request for additional scientific information.*** Any new controlled or noncontrolled molecular entities, in accordance with federal Food and Drug Administration provisions in 21 C.F.R. part 312, [~~that are avail-~~

able after September 1, 1994.] shall be considered for approval by the board upon petition by advanced registered nurse practitioners and approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council. ***Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.***

Amend the bill by replacing all after section 1 with the following:

2 Applicability. Members of the joint health council meeting the standards provided under RSA 326-B:10-a, I(a) as of the effective date of this act shall be appointed in a manner allowing for at least one experienced member in each category to continue serving out his or her current term.

3 Effective Date. This act shall take effect 60 days after its passage.

2000-4253s

AMENDED ANALYSIS

This bill changes the membership of the joint health council and clarifies its duties.

This bill also grants the council rulemaking authority.

SENATOR SQUIRES: It has sometimes been observed in this chamber, that to speak after Senator Trombly is a heavy task, to speak after Senator Wheeler, and after Senator Krueger, is a monumental task. I concede to this amendment. I did not talk to the Medical Society nor I did not talk to anybody else, because I thought that it meant...it addressed some of the concerns that you just heard. At a fundamental level, we should be, hopefully, talking about public policy issues. There are a number of public policy issues at the heart of this discussion. First of all, there is a view that advanced registered nurse practitioners should in effect, prescribe anything that they feel like as it comes on the market. I think that is a minority view, but I think that it is there, and I think that was reflected in the letter that you heard. The next position might be, well that is not quite right, given the fact that we are moving to a world of pharmaceuticals, and it should be some kind of process set up to see, determine and evaluate the fact that certain drugs may in fact have potentials that are not initially appreciated, or are at such risks that they should not be prescribed by any individual without some review or consideration. That leads us to the question of course, of a formula. Then we have the daunting problem of what kind of a formulary would we have and who decides? That is the nature of the beast at the moment. There is a formulary and it is decided, in some manner, by the Joint Health Council. The Joint Health Council has in fact, I think, not performed as well as it should have. The bill that you have before you, unamended, corrected that. To argue, however, that this is somehow the process under the control of physicians, is simply not true. There are three physicians as constituted newly on a Joint Health Council. There are three nurse practitioners and three pharmacists. So the physicians occupy one-third of that body. The part that bothered me the most is the fact that we read into our intent what we want the bill to do, what we believe the bill should do, but we don't put in the bill itself, and I don't understand that. If the intent of a bill is to do such and such, why not say so? Why not be as clear as possible that the purpose of this bill, as written, accomplishes certain tasks? That is what this amendment does. We don't need a record of intent. It says forthright, in line three, "the duties to determine the type of ARNP

formulary." And it allows "The council shall adopt rules," and it makes it clear in line 13 that the drugs need to come up. Now for us to say to wonder about what kind of formulary, they all work. You can have an exclusionary formulary, and you can have an inclusionary formulary. It is not a matter of great debate, in my opinion. The debate is, should this process continually come before the legislature, are we continually going to spend hours and hours, thousands of person's hours, on a bill, which in fact, is a professional problem. A technical problem that should be decided by a group of three physicians, three pharmacists, and three nurse practitioners. If five of them agree, then that is what should be done. The final part of the bill amends slightly, the composition of the board. As written initially, all the physicians members disappear, so you have no institutional member in this board, which does not seem to me, to make sense. It simply says that as their terms expire, then the new qualifications become preeminent, which is that to be a physician member of this board, you have to work with a nurse practitioner, which I think, is an excellent idea. So that is what this does. It does not rely on a statement of intent. It states clearly what this board is trying to do. It gets rid of this 1994 monstrosity, which I thoroughly agree has created an enormous amount of difficulty. It simply says to this board of nine motivated, qualified and concerned professionals, you this board, manage this problem, out of the legislative limelight. Out of the hothouse environment, which I believe the Chaplain eluded to, which is certainly true, that an issue like this commands in the legislature. It simply puts in summary, intent into statute. Thank you.

SENATOR KRUEGER: Senator Squires, would you not agree however, in the bill as it currently sits, that in fact, the duty of the Joint Health Council, and I refer you to page two, lines 3-5 or 6. Do in fact lay out the responsibilities of the Joint Health Council? And furthermore, would you not agree that the original bill, as written, also addresses the problem of timeliness, or a shall lack of timeliness, with the Joint Health Council, and that that is not addressed in your amendment?

SENATOR SQUIRES: Oh, I think it is. My amendment is only on section three, the timeliness issues are in other parts of the bill. This amendment doesn't replace the entire bill. A problem that I cannot reconcile is the definition of duties and the powers that are ascribed thereto. In the midwifery council, which exists also in the same set of statutes this does, there are duties laid out for the midwifery council, but they also have rulemaking authority, which is as close as an analogy that I could find to this bill. I have heard repeatedly both sides of this question. Duties allow the council to have in a sense, freedom of action **TAPE CHANGE** heard yesterday in the Education Committee. Does this bill do so and so? Yes it does, no it doesn't, I don't know. We are just left scratching our heads. So I am trying to get past those ambiguities and make it clear what the Joint Health Council is, our intent that it should be performing in such and such a manner.

SENATOR KRUEGER: Thank you.

SENATOR WHEELER: I rise in total disagreement with this amendment. If it is the intent of this body to kill the bill, then you will vote for the amendment, because the bill will be killed by any amendment. I want to remind you of what the intent of the study committee was. It was to eliminate the Joint Health Council. The intent of the legislature when it created the Joint Health Council, was to make people feel more

comfortable with the fact that nurses had been given prescriptive privileges. It wasn't to take the place of defining the scope of practice of nurses, it was just to make people feel more comfortable while we saw what would happen if nurses were granted prescriptive privileges in New Hampshire. We have seen clearly, that it has worked extremely well to have nurses have prescriptive privileges. I see no use for the Joint Health Council. However, it is there and the compromise was to keep it there. Giving it rulemaking authority goes way beyond what we should ever expect from the Joint Health Council. The intent is clear in the legislation. The fact is clear that it is not the Joint Health Council, and it is not the legislature who are telling nurse practitioners what their scope of practice is, and what they can prescribe. They are bound by law to practice within the scope of their practice. To prescribe those medications, the type of medications that they have been educationally trained to know how to prescribe. The way that the bill is right now, does not say that nurses can prescribe anything that they want to prescribe. That is not part of the legislation. That has been done. That is in their scope of their practice. That is a matter of law. We are not affecting that. We are not saying that we even want that. We want them to say that we want them to be able to practice within the scope of their practice, and if the legislature, which it seems to be the will of the legislature, to continue the Joint Health Council, then it should be clear that the legislature is not going to micro-manage the Joint Health Council and tell them what kind of formulary to have. The amendment before you right now, keeps it again, that they can only prescribe drugs that have been brought before the Joint Health Council and given an affirmative vote. It is a totally political thing to do, to pass this amendment, and it keeps it in the realm of politics, it keeps it in the realm of political debate, and it doesn't put it in good health care practices, which is where it belongs. So I do not feel that the intent or the spirit of this amendment is in the best interest of good health care practices, and I urge its defeat. Thank you.

SENATOR FERNALD: I am going to start by saying that speaking after Senator Squires is exceedingly difficult, particularly when the matter is health care. But, I want to rise in opposition to this amendment. I want to say two things. First, it has to do with the formulary and picking the right statutory language that we should have. The language in the bill, as on second reading, says "the duties of the Joint Health Council include adding and altering the list of controlled and noncontrolled molecular entities on the ARNP formulary." So their job is to decide what the formulary is. They can figure out what is controlled and what is noncontrolled, and they have, under that sentence, I think, complete discretion as to how to do that. They can say this is the list of the drugs that are controlled and you can't use anything else if they want. They can find some other way...they can go through every drug in the world individually and say controlled or noncontrolled, or they can have blanket statements that say everything is controlled and prohibited unless we permit it hereunder. So, I think that what we have is clear enough on the formulary. They have the authority that they need to create a formulary, the way that they want to do it, and we leave it to those nine people to figure out how to do it. I also wanted to speak to the rulemaking part of this. I spend an awful lot of time going through rulemaking proposals and too often, it seems, we go through rulemaking proposals that we wonder why they are there. The one that comes to my mind because I am also on that commission, is the Christa McAuliffe Planetarium Commission, came in with rules. The reason why they came in with rules was

because they have rulemaking authority, and they got audited and were told that they didn't do their rules, so they went and made rules. And of course your question should be, rules to do what? I mean, they are a Planetarium Commission and they have people come in and watch the show. They don't really need rules, but at some point, we told them that they had to do rules, and so we forced them then to make rules. They have spent dozens, if not hundreds of hours, making these rules, revising them, taking them before the legal staff at JL Carr and then back for revisions. What a huge waste of time and money. I think that I haven't heard anyone say, "well gee Joint Health Council, it needs rules" I mean we are just tied up in knots. I don't think that we should be giving rulemaking authority unless we have a real specific need for it, because otherwise we are just wasting everybody's time. Thank you.

SENATOR LARSEN: Senator Squires, under your amendment, one of the concerns that I heard was that the rulemaking would in fact, delay prescriptive practices further. The question that I have is would the rules then be retroactive beyond 1994, so that in fact, all prescriptions would be halted until the council adopted rules, which we know is a lengthy process that can take at least half a year? What is the prescriptive practice of the nurse practitioners during the rulemaking period prior to, say if this amendment were to pass, what could they prescribe while they were waiting for rules?

SENATOR SQUIRES: There is nothing, as I read this, in this bill which says that the present situation cannot continue, as in any rule. There is nothing that compels them to make any rules.

SENATOR LARSEN: It says that "the council shall adopt rules."

SENATOR SQUIRES: Indeed so, but it could certainly adopt a rule which says that "we will have an exclusionary formula."

SENATOR LARSEN: So you believe that this in fact would not halt prescriptions during the period during which they were required to adopt rules?

SENATOR SQUIRES: Correct.

SENATOR TROMBLY: I don't rise to speak in favor of the merits or demerits of this amendment or what is proposed. I think that last week Senator Squires asked us to table this bill so that he could bring in an amendment, and he did. I am rising to speak on procedure. I think that we need to be very careful in this Senate, because this is a House bill and I have heard that this is a very fragile compromise. That we need to remember that if we amend this, it will go back to the House for a concurrence or nonconcurrence. If there is nonconcurrence and the Committee of Conference is set up, and one House member chooses not to sign off on that Committee of Conference report, the bill is dead. I say that because now I am dealing with two bills, two House bills that we amended to improve. I know that it is hard for the House to believe that, but we did actually, amendments that improved their legislation. Now those two bills, because of what has been communicated to me, one member of the Committee of Conference is not going to sign off on the report. Those bills are going to die. They are very good pieces of legislation. I don't think that this amendment is preempted from being offered on another piece of legislation. I don't know whether it is good or bad, but I am not going to vote for it because I heard that this was a carefully crafted compromise, and if we change one word, it goes back to the House where whatever can be

wrought on this legislation can be wrought. So I am going to vote against the amendment and not, as I said, on its merits or demerits because quite frankly, I don't know that, if it is good or bad. But I do know, if we add any sort of an amendment to this bill, it will die, and I am not going to do that.

SENATOR SQUIRES: Senator Fernald, I thought what you said was true and accurate. Would you believe that the missing part is how a drug gets to the Joint Health Council in the first place? If a drug never comes, the bill, as it is now written, says in effect, exactly what Senator Wheeler, as I heard her, indicated, that within the scope of practice, an ARNP can write anything. The fundamental question at issue, would you further believe, do all drugs have to come through the Joint Health Council or do they not? In your opinion, in the bill as written, what is the answer to that question?

SENATOR FERNALD: I read the bill... it is up to the Joint Health Council to decide what is controlled and what is noncontrolled. They could have in their formulary statement that nurses can prescribe anything within their scope of practice, or they could have some other statement that could say that these are the drugs that are within the Pediatric Nurse Practitioner Scope of Practice, and you use these and you can't use any other...they can do it any number of ways as I read it. It is up to them to decide what is controlled and what is not controlled.

SENATOR SQUIRES: In your opinion, as the bill is written, the Joint Health Council has autonomy to do whatever it wants to do?

SENATOR FERNALD: To create the formulary.

SENATOR SQUIRES: Does it have the authority to say that no drug shall go onto the formulary until it has come through the Joint Health Council?

SENATOR FERNALD: Yes.

SENATOR WHEELER: Senator Squires, would you believe that you only quoted one half of what I said? That yes, nurses have to prescribe within their scope of practice and that is determined outside of us right now? But also, I said, that the Joint Health Council has, under this legislation, as proposed, HB 1410 as amended by the House, the authority to create any kind of formulary it wants. So I agree completely, would you believe, with Senator Fernald's answer to you, that if the Joint Health Council wanted to create the kind of formulary that we have put into statute, they are perfectly free to do that, and I have said that in my testimony, would you believe that?

SENATOR SQUIRES: I think so, but if I might respond with a question...Senator Wheeler, I will address again, if I might, what is to me, the crucial question, does the Joint Health Council have the authority to say that a nurse practitioner will not prescribe a drug until it has come through the Joint Health Council and entered into whatever formulary that they may choose?

SENATOR WHEELER: Unequivocally, yes. Equivocally yes. They have that authority. As described in section three "The duties of the Joint Health Council shall include, but not be limited to, adding or altering the list of controlled or noncontrolled molecular entities on the ARNP formulary."

SENATOR SQUIRES: Senator Wheeler, is it your opinion then, that if the Joint Health Council did that, admitting the fact that any action can

be challenged legally, but the preponderance of evidence would come down on the fact that as of the bill as it was originally written, the Joint Health Council can compel all drugs that go into the ARNP formulary to come through them?

SENATOR WHEELER: If they wish to do that, they would have statutory authority to do that.

SENATOR GORDON: I will limit my remarks to the amendment because I might like to speak on the bill as a whole later. It is hard to argue with my office mate, Senator Squires, because I think that he is probably smarter than I am and more articulate, but when I sum up everything that he has to say, what he is saying is what we ought to do, is to give rulemaking authority to the Joint Health Council so that we don't have to deal with this anymore in the legislature. That is the basic argument that I heard him make. I have a problem with that. We wouldn't be dealing with this if the Joint Health Council was not having a problem to begin with in carrying out its duties. If it was operating properly, we wouldn't be here discussing this. Because it wasn't functioning properly, the issue comes to us so that we can decide the policy. Now from what I can see in this amendment, what we have decided in our policy is, we don't want to have to deal with it anymore, so we are going to give the authority to the Joint Health Council to make the policy. It doesn't make any sense to me at all. We have the similar issue with the CON Board. I hate to bring up another subject. The CON Board isn't working very well, so now, some of the same people that say that we ought to give the Joint Health Council rulemaking authority so that they can set the policy, are the same ones that are saying no, "don't let them set the policy, we should be setting the policy in the legislature." It doesn't make any sense to me. I think that we crafted a compromise just as Senator Trombly said, that meets everybody's needs. Well it met everybody's needs. Apparently there are second thoughts. But it met everybody's needs. I am not concerned that nurse practitioners somehow are going to go wild, discover a new medication and decide to go out and prescribe it broadly, because they just feel that that is a good thing to do. I don't think that they are that irresponsible. I think that we should have some level of confidence that that just isn't going to happen. I don't have a problem with the way that the bill is. I don't think that we need to solve our problem here in the legislature, to shed our responsibilities by just giving rulemaking authority to the Joint Health Council. I think that when there is a problem, and the people of this state come and ask the legislature to address it, we ought to address it.

SENATOR PIGNATELLI: This is a point of information. If this amendment does not pass, and if this bill is allowed to proceed forward, it is my intention with the knowledge and support of Senator Wheeler, to offer a floor amendment to another bill, HB 1377, regarding the duties of the Joint Health Council. That language would say that the duties of the Joint Health Council shall include, but be limited to, determining the type of ARNP formulary, exclusionary, inclusionary or other. I am not going to support this amendment, because I do believe that it is a very fragile compromise, but I am a bit uncomfortable as to the ambiguousness of the wording in the duties section, and so that is my intention when we get to HB 1377, to offer that amendment as an alternative to this current amendment. Thank you.

SENATOR MCCARLEY: Just very briefly. Having had the opportunity to work on this, to some degree, over the past six to eight weeks, I think

that we do have a fragile compromise, and I would applaud Senator Squires for acknowledging that he has not taken up the issues in his amendment, with any players that have been involved. I think that is and of itself, a reason at this point in time, not to be supporting this. I would say that I am not certain, Senator Pignatelli, in terms that this does not survive, what I will do at that point, because I think that we have reached a stage of comfortableness with this, and I think that sometimes at the last minute, adding on something that frankly, has not had some of the time spent around it, makes me very reluctant to support it; so at this time, I cannot support the floor amendment and do encourage us all to proceed ahead with the vote that we have already taken, I think, on a voice vote, to support this legislation.

Floor amendment failed.

Ordered to third reading.

COMMITTEE REPORTS

HB 1412, relative to electric customer-generators. Energy and Economic Development Committee. Vote 5-0. Ought to Pass, Senator Below for the committee.

SENATOR BELOW: House Bill 1412 clarifies the timeframe and inter-connection standards within which electric distribution utilities will make available net energy metering for eligible customer generators which are qualified customers with small scale renewable energy systems, such as photo voltaic and wind generators. The Energy and Economic Development Committee recommends HB 1412 ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. Environment Committee. Vote 3-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: I rise in support of HB 1343. The bill would provide partial funding for ongoing research by the University of New Hampshire on the potential for groundwater impact from the land application of sludge on reclaimed lands. This research will continue to provide valuable information and scientific data relative to this very controversial issue. I feel that both sides of this controversial issue are in support of this. DES supports the legislation, however, the department cautioned the proposed funding source is not guaranteed, and it is contingent on the availability of surplus wastewater state aid grant monies. While it appears that there will be sufficient lapse funds to cover the \$20,000 requested, DES cannot determine whether there will be available lapses for FY 2001. I urge you to support this research as it will hopefully, help us in determining what should be done with sludge. Please vote HB 1343 ought to pass. Thank you.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 1344-FN, expanding the used oil program. Environment Committee. Vote 3-0. Ought to Pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: I rise in support of HB 1344. This bill was requested by the Department of Environmental Services to help expand

the eligibility of grant recipients in an effort to increase the amount of do-it-yourself, (DIY) used oil, which is collected and recycled in New Hampshire. DIY used oil includes oil from motor vehicles, lawn mowers, snow blowers, tractors, boat engines, portable generators, all terrain vehicles, motorcycles and home gardening and construction equipment. This legislation seeks to expand the current program which has successfully collected used oil at our municipal collection centers. Through this bill, DES can allow political subdivisions to apply for multiple grants for the collection of DIY used oil, and to expand eligibility for grants to private facilities, specifically to nonprofit organizations in the waste management field and motor vehicle inspection stations as the latter have already been certified by the town and the state. This bill would increase community access to facilities which accept used oil from citizens, especially in those towns without used oil collection centers. DES projects that HB 1344 will increase the capture rate from 33 percent to 50 percent of the available do-it-yourself used oil in New Hampshire. This translates to an additional 55,000 to 70,000 gallons of used oil which will be properly collected and recycled annually. The objectives of this bill can be accomplished with no changes in the current fee structure of two cents per gallon of motor oil. I urge you to vote HB 1344 ought to pass. Thank you.

Adopted.

Ordered to third reading.

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel. Environment Committee. Vote 3-0. Ought to Pass, Senator Russman for the committee.

SENATOR RUSSMAN: I rise in support of HCR 30 which urges the EPA to adopt its new proposed standards for heavy-duty vehicles and reduction in the sulfur contents of on-highway diesel fuel. This will help go a long way towards eventually getting some of the fumes that we see and some of the NOX, nitrogen oxides, out of the air, tens of thousands of tons across the country. We hope that the EPA will go forward and the congress will adopt the proposed rules. We would urge the adoption of HCR 30.

Adopted.

Ordered to third reading.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate. Environment Committee. Vote 3-0. Ought to pass with amendment, Senator Russman for the committee.

2000-4228s

08/04

Amendment to HJR 21

Amend the resolution by replacing the sixth paragraph after the title with the following:

Whereas, when the United States Environmental Protection Agency issued its new ozone and particulate matter standards in July, 1997, its new standards were accompanied by a message from President Clinton urging that an upper bound be placed on the cost of implementing emission reductions to meet these standards; now, therefore, be it

SENATOR RUSSMAN: I rise in support of HJR 21, which calls for changes in the best available control technology in the lowest achievable emissions rates requirements as the Federal Clean Air Act is implemented. The prime sponsor of this bill asked the committee to amend the resolution to correct the reference to a statement given by the President of the United States, and DES supports this resolution. They believe that HJR 21 may help to spur renewed federal consideration on these issues. Thank you.

Amendment adopted.

Ordered to third reading.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline. Environment Committee. Vote 3-0. Ought to pass with amendment, Senator Russman for the committee.

2000-4229s

08/04

Amendment to HJR 24

Amend the resolution by replacing the third paragraph after the resolving clause with the following:

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to promptly develop and approve a consistent, effective regional specification for gasoline containing significantly less or no MTBE additive; and

SENATOR RUSSMAN: Yes, HJR 24 urges congress and the EPA to work with the northeastern states with the gasoline refiners to promptly develop and improve consistent effective regional specifications for gas containing either less or no MTBE. We would urge support of this resolution.

Amendment adopted.

Ordered to third reading.

SB 460-FN, establishing a grant program to reimburse eligible districts served by municipal waste combustors. Environment Committee. Vote 2-1. Inexpedient to Legislate, Senator Russman for the committee.

SENATOR RUSSMAN: I rise in support of the motion of inexpedient to legislate on SB 460. This bill establishes a grant program to reimburse eligible districts served by municipal waste combustors. There are 15 communities in New Hampshire that contract with Wheelabrator to burn their trash at their incinerator in Claremont. When negotiating with the communities, Wheelabrator included a clause that makes the communities responsible for paying 47 percent of any improvements that it has to make to the incinerator due to changes in the law. So the communities were put on notice at the time they signed the agreement that they weren't going to be responsible for having to pay for these changes. If the legislation is passed, requiring improvements to the Claremont facility, the citizens of those communities will be forced to pay this financial obligation. In my mind, this is not any different than the facility in Penacook, frankly. The citizens in the Penacook area have already paid \$8 million for improvements to their incinerator, even though the entire state and region have been receiving the benefits. I know that the Claremont fa-

cility is not yet subject to the federal emissions requirements, and most likely will not be required to comply until October of 2005; however, I would also agree that the mercury reduction will be essential to public health throughout the state. It is my opinion, that the Claremont incinerator should be made to comply with the more astringent state emissions limit by 2001, so as to minimize the harmful effects of mercury on our environment and to our public safety. We all know that mercury is a highly persistent toxic pollutant. It accumulates in the food chain. Its human health effects can include birth defects, brain and neurological damage, muscle degeneration, even death. DES strongly supports the legislation as it would significantly reduce mercury emissions four years sooner than presently required by federal standards. However, I cannot support this legislation as it is written. I do not believe the state is responsible for paying for the improvements to the Claremont incinerator. So the issue really boils down to whether or not the towns, when they had it built, when they entered into the contracts, they agreed to pay for it, whether they should be held to pay for it, like they did in the Concord area, or whether or not they should be given some special consideration of not to have to pay for it.

SENATOR JOHNSON: I rise to speak against the inexpedient to legislate motion. I am a member of the Environment Committee, and it is unfortunate that I had another meeting that I had to attend at the same time that this bill was heard, so I was not available to vote on it. I am going to speak against it. I will offer a motion if the inexpedient to legislate motion is defeated, I will have a motion of ought to pass. This is a mandate and two of the towns that I represent, Meredith and Center Harbor, are in that compact, and I think that the other 13 towns would also be affected. I don't believe that they should be mandated to pay for that expense. Therefore, I believe that we should defeat this motion of inexpedient to legislate.

SUBSTITUTE MOTION

Senator Trombly moved to substitute ought to pass for inexpedient to legislate.

Adopted.

Ordered to third reading.

HB 1253, establishing a 4-year term for the commissioner of the department of corrections. Executive Departments and Administration Committee. Vote 4-0. Inexpedient to Legislate, Senator Francoeur for the committee.

SENATOR FRANCOEUR: This bill would have created a four-year term for the commissioner of corrections. The committee felt that the position should remain at the pleasure of the governor, because of the potential seriousness of the results of an error by the commissioner. Policy errors by the commissioner could result in injury or death because of the dangerous nature of the work environment in the prison system. The commissioner needs to remain accountable by serving at the pleasure of the governor. The committee resolves that this bill is inexpedient to legislate.

SUBSTITUTE MOTION

Senator Larsen moved to substitute ought to pass for inexpedient to legislate.

SENATOR LARSEN: House Bill 1253 has actually been debated a number of years. What we have now is a two-year commissioner in a system that is primarily four-year commissioners. The commissioner of the Department of Corrections has to set the policies for correction policy. We also were in a position of having to attract a new commissioner to our state and sometimes those commissioners need to bring their families. If this state is going to attract the highest level of commissioners, it needs to guarantee that if that person is going to move to our state and bring their expertise and their family, they need to know that they have some length of term during which they might be able to implement their correctional policies. A two-year term is not ever going to be the length of time that anyone could either implement good correctional policy or be attracted to this state to come help with our corrections system. I think that it is a real mistake to leave this Department of Corrections in a separate category from all of the other departments that are in this state and leave them as a two-year term. If we want to see good correctional policy that has time to be implemented, you need a four-year term to do that. I think that it also takes it out of the realm of politics, people would be brought in based on their credentials and their ability to get things done. It is a huge mistake to leave it at a two-year term. I encourage the Senators to vote ought to pass.

SENATOR FERNALD: Senator Larsen, you had said that this bill would take it out of the realm of politics, but where, in either event, **TAPE INAUDIBLE**

SENATOR LARSEN: In either event there may be some politics, but hopefully...the review is also made of that person's qualifications and positions on correctional policy, that there is a good review, and that by getting the governor and council's approval, the review of that person's correctional policies and beliefs is exposed. So a four-year term allows time for that person to accomplish what you brought them here to do.

SENATOR FERNALD: I realize that the treatment of the commissioners here is different from the terms of other commissioners, but I guess that I am trying to understand why a governor shouldn't be allowed when the change of administration or whatever, to appoint somebody else?

SENATOR LARSEN: I believe that the Department of Corrections should be lead by someone who is highly qualified. I do not believe that if you allow for a two-year turnover, that you don't end up with inconsistency, a policy, the kinds of changes that would happen so frequently in correctional policy that no one would ever trust, that a direction chosen by a commissioner would last. I think that it is a real concern. If we want to see an improvement in our correctional policy, we need to have some consistency in people to trust, that the policies put in place will last for at least four years.

SENATOR FERNALD: But when you say two-year turnover, aren't you assuming that either governors aren't going to be reelected, or that they are just going to decide willy-nilly to let somebody go? That hasn't been the experience has it?

SENATOR LARSEN: We have had two-year turnovers. Yes.

SENATOR FERNALD: At the governor's decision?

SENATOR LARSEN: Yes.

SENATOR JOHNSON: Senator Larsen, in your research, if you have done the research, have you found any reason where the applicants have less because of the current policy that we have in place, does it inhibit that process?

SENATOR LARSEN: I think that our commissioners have come from a wide range of backgrounds, and most recently we have been able to attract national level corrections commissioners. In the past, we have chosen...other times we have chosen more local commissioners of corrections. But I do believe that the times that we have been able to attract national level competent and respected commissioners of corrections, at least in the recent past, it has been with the understanding that there would be an attempt by the legislature to give that person a four-year term. And in fact, that commissioner Risley, was brought to this state understanding that there would be a push in the legislature to give them that four-term, so that when they come, they realize that they have a chance to actually accomplish some of the policies and see the beginnings of some of the results of those policies. Unfortunately, commissioner Risley's term was cut short by his tragedy, but I do believe that the most recent commissioner has also been assured that consideration by the legislature would be to put them on a four-year term, just like all of the rest of our commissioners, or the vast majority. I think that we might have one other commissioner who is on a two-year term.

SENATOR FRANCOEUR: As the committee heard testimony about the number of applicants that had applied for this position, we heard that there were over eight that had applied. It doesn't seem that New Hampshire is having trouble getting qualified people to apply. You have to remember that in any organization, whether it be governmental or the business side, the reason we lose some of these candidates after they have been here for a couple of years, is because states with significantly higher prisoner populations like the size of Texas and New York, have a lot more money to offer them. We are never going to compete with them head to head for dollarwise to be able to keep the individuals here. We heard testimony from the SEA and other members that have worked in the system, some for over 28 years, that talked about the dangerousness of the job and the work that they have to do in the prisons. If you do have a person that is here that gets headed towards the direction that they shouldn't be going to and they are in there for four years, you may have problems where individuals could die or be injured, and you will have them in there for a four year term. By having it at the current system, it is at the discretion of the governor and council. We believe that this, being different than other commissioners and the seriousness of the job potential, that it would be best to leave this alone. I would ask the Senate to support the committee report of inexpedient to legislate.

SENATOR LARSEN: Senator Francoeur, weren't you sitting in committee with me when we discussed...when there was an attempt to say that the commissioner of corrections was in fact, unique, and that he held life and death in his hands? And then in fact, we heard that...it was pointed out that the Department of Safety, the state troopers, are in a similar situation, the state National Guard, the Department of Health and Human Services commissioner certainly holds through his position, the life of the people in his hands? So to say that somehow the Department of Corrections is unique, in his role of overseeing the safety of New Hampshire residents is in fact not true? You and I both heard that in committee. Isn't that correct?

SENATOR FRANCOEUR: I believe, Senator Larsen, that you asked that question to one of the people that was speaking there. That individual had worked in the system, I believe, for 28 years. They said that they have to deal, day in and day out, and you are on that shift for eight hours a day with people that are convicted of serious crimes in the state of New Hampshire. Yes, I agree that you do have people in the Department of Safety, but I would say that they go out on patrol. They might deal with somebody for half an hour or an hour a day, but when you are dealing with those that are incarcerated around the clock, if you make a policy decision that cannot be changed, by the person that I believe that where the buck stops, is at the governor, by them saying, "hey, you are going in the wrong direction, we have had a major problem here and it is time to leave." I think to make that as a four-year commitment is wrong.

SENATOR J. KING: I rise in support of a four-year term. Two years and you are barely getting your feet wet in that period and you might have a change in the administration, so that means that you get a new person or even the two-year period, if you have been in there for a while...trying to get somebody out is a long and hard process. I don't think that you can set a plan up if you don't know whether you can get it in within a two-year period. It is kind of foolish to try and work on a plan if you can't get at least three years to get it going. I think that is why most of these people, especially in the law enforcement end of it, want a little more time than two years. We give it to every other agency practically in the state, why eliminate these two from it? I don't know. I think, of all of them, they probably need the four years more than any other. Thank you.

Question is on the substitute motion of ought to pass.

A roll call was requested by Senator Larsen.

Seconded by Senator Krueger.

The following Senators voted Yes: Below, McCarley, Disnard, Squires, Pignatelli, Larsen, J. King, Wheeler.

The following Senators voted No: Gordon, Johnson, Fraser, Trombly, Roberge, Eaton, Fernald, Francoeur, Krueger, Brown, Russman, Klemm, Cohen.

Yeas: 8 - Nays: 13

Motion failed.

Question is on the committee report of inexpedient to legislate.

Adopted.

Committee report of inexpedient to legislate is adopted.

HB 1404, creating a study committee to address mechanisms for the preservation or disposal of state records. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Francoeur for the committee.

SENATOR FRANCOEUR: There are currently no provisions for disposing of records by state departments. This bill creates a committee to study the preservation of and methods for disposal of these records, and the criteria for preservation or disposal. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1406, relative to transition service. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Cohen for the committee.

SENATOR COHEN: This bill presents a number of general court findings regarding transition service. These findings conclude that underpricing transition service in deregulation would defer costs, leaving a heavy financial burden in the future. If the economy is not as strong as it is now, these deferrals could be doubly burdensome. Without this bill there could exist significant deferrals. This bill does not set transition prices, it only states that the prices should be realistic market prices. The bill further allows the PUC to add utilities to use required purchases as part of the transition service requirement when it is in the public interest. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1483, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: Earlier this year the legislature considered SB 408, which would have created a committee to study non-conventional veterinary care for domestic animals. That bill was sent to interim study in the House. This bill establishes the same committee, and any recommendations of the committee can be incorporated into SB 408 as part of the interim study recommendations. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. Insurance Committee. Vote 8-0. Ought to Pass, Senator Eaton for the committee.

SENATOR EATON: After July 24, 1987 each county had the opportunity to declare their corrections officers members of the group II retirement system. The counties determined individually when they would switch their officers. This bill allows all county corrections officers to purchase back time in group II from July 24, 1987 until they were moved into group II. The corrections officers are responsible for the total cost of purchase for back time. This equalizes the benefits available to county corrections officers regardless of the date that the county decided to move their officers into group II. The committee recommends this bill ought to pass.

Senator Fernald moved to have **HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

HB 1102, relative to accessibility of veteran's disability payments in divorce cases. Judiciary Committee. Vote 5-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: House Bill 1102 originally sought to exclude the veterans disability from alimony considerations which would have been in direct conflict with federal law. The question of whether the courts can consider the veteran's disability benefits when the issue of alimony comes before the court has been visited many times. In 1987 the Supreme Court ruled in the case of Rose versus Rose that congress clearly intended veterans disability benefits to be used in part for the support of the veteran's dependents. The House reached a very good compromise on this and decided that we would like to work with federal law, so they said that with regard, the bill before us says, with regard to property settlements and modification of alimony orders, to the extent permitted by federal law, property shall include military retirement and veteran's disability benefits. This amendment, by the House, had the full support of the members of the DAV who came and testified in support of it, the Women's Lobby and Ken Leidner. I urge the House's support. Thank you.

Adopted.

Ordered to third reading.

HB 1424, relative to reevaluation of a person's competency to stand trial. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Brown for the committee.

2000-4221s

05/10

Amendment to HB 1424

Amend RSA 135:17, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Whether the defendant has a rational and factual understanding of the proceedings against him or her, and sufficient present ability to consult with and assist his or her lawyer on the case with a reasonable degree of rational understanding.

SENATOR BROWN: House Bill 1424 clarifies the process for evaluating a person's competency to stand trial. House Bill 1424 would afford 12 months for a determination and evaluation to be made as to whether someone is capable of standing trial – or if they could possibly be rehabilitated or treated in order to stand trial. If it is determined that there is no possibility that someone can stand trial, the charges can be dropped, unless it is determined that the person is a risk to themselves or someone else. If the court finds, by clear and convincing evidence, that the defendant cannot be restored to competency within 12 months, the case against the defendant shall be dismissed without prejudice. In the case of risk to self or others, involuntary commitment proceedings can be pursued. The Judiciary committee received no testimony in opposition to this legislation and recommends that HB 1424 be ought to pass as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 1459, requiring the state police to record and update information relative to the charges of criminal and civil non-support. Judiciary Committee. Vote 5-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: House Bill 1459 provides that the state police, or their designee, "may" record and update on its computer system any arrest warrant or capias issued for criminal or civil non-support. The provisions of HB 1459 would provide the ability to track non-support-

ing parents by allowing that information to be entered into the State Police Spot system. In the case of HB 1459, the county sheriffs would act as the designee of the state police in entering this information. Their testimony before the Judiciary Committee indicated that they are already in charge of the capias and have both the technology in place and the information to perform this task. The state police and the Department of Safety and the sheriffs are all uniformly in favor of this. The Judiciary Committee recommends that HB 1459 be ought to pass.

Adopted.

Ordered to third reading.

HB 1492, relative to clarifying the state's stalking statute. Judiciary Committee. Vote 4-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: House Bill 1492 clarifies the definition of stalking and provides a civil relief mechanism for victims. House Bill 1492 simplifies the stalking statute. Police tell us that in its current form, it's just too hard to enforce and therefore not being used. Stalking is becoming more commonplace in our society, is not limited just to women, and it not related merely to domestic violence. We've all heard of the high profile athlete or movie star who has been stalked, but teachers, lawyers, and even politicians have been victimized by obsessive individuals. Stalking is not a one-time occurrence – it is a pattern of behavior, a continued course of action forming a series of events. Too frequently this course of behavior is followed with physical violence. House Bill 1492 offers a good definition to the conduct and just enough flexibility in the language to allow for the incredibly creative methods employed by stalkers. The Judiciary Committee recommends that HB 1492 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1494-FN, establishing penalties for attempts to purchase firearms illegally. Judiciary Committee. Vote 3-0. Ought to Pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: House Bill 1494 makes it a class A misdemeanor for a first offense and a class B felony for a subsequent offense for a person to attempt to purchase a firearm when that person knows the purchase is illegal because he or she is subject to a protective order. The provisions of HB 1494 are another important piece of protecting people who have taken out restraining orders to protect themselves. If this statute had been on the books, then Barbara Lussier, a Nashua resident who was murdered on the job, her murder might possibly have been prevented. The perpetrator tried twice to purchase a hand gun and was twice denied because there was a protective order that Barbara Lussier had taken out against him. But then, the third time, he bought a shot gun and went out and killed his former partner as she was leaving her job one day in Nashua. With HB 1494, he wouldn't have been able to purchase a shotgun either. The Judiciary Committee recommends that HB 1494 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1621-FN, allowing administrative home confinement for habitual offenders. Judiciary Committee. Vote 5-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: House Bill 1621-FN provides for home confinement as a means to serve habitual offender sentences and certain discretionary sentences. Under the provisions of HB 1621, habitual offenders could continue to work as long as they find a way other than driving to get to work rather than occupying expensive places in our county jails. Currently, with 300 inmates at 180 days and a cost of \$50 per day, the potential savings under this bill would be nearly \$1.5 million. When wearing the bracelets, the person on confinement is closely monitored. Many improvements have been made in the bracelets. They can even tell where the person is and, in some cases, if they have been drinking. We already allow administrative home confinement in some other instances and that has a proven record of reducing costs and increasing efficiency. This bill is enabling legislation, and as such, the Judiciary Committee recommends that HB 1621 be ought to pass. As I understand, there will be a floor amendment that will make this effective upon passage, which I would also support. Thank you.

SENATOR FRANCOEUR: TAPE CHANGE as I look at this, this is a major change to a habitual offender law in the state of New Hampshire. I know personally, a couple individuals that have been habitual offenders. If you take a look at those who are habitual offenders, they have violated the laws of the state of New Hampshire numerous times. This isn't an individual that has done something once, it isn't an individual who has usually done something twice, it is usually an individual who has done something three times or more. When we make the laws here in Concord, I think that we have to be consistent with those messages that we send forth to the public that is out there. If we tell somebody that it is illegal to drive after they have been stopped two times from drunk driving, or for 12 times for speeding. When is enough, enough? How many chances are we going to give a habitual offender? They haven't learned after the first time, the second time or the other times that they have been in the courts. I feel bad for those that have a family, that have children, that have to support them, but this isn't the first time, this isn't the chance that you are giving them to say, "hey, go back and correct your ways." The only message that a lot of these individuals get, and the ones that I have talked to, and I know personally, is that when they go in and they put on that orange suit and that door goes clank behind them, that is a message that they never forget. I would ask the Senate at this time, that we would vote down the ought to pass and support the message that we send the individuals out there that when you break the law after numerous times, you are going to do the time. I understand that when you stop here and you look at the costs, and you say that it costs \$50 a day to put people in jail. I am one that wished that we didn't have to put anybody in jail, but when those that break the law, and they aren't going to follow it after numerous times, it is enough. I would ask the Senate that we vote this down.

Question is on the committee report of ought to pass.

A roll call was requested by Senator Fernald.

Seconded by Senator Squires.

The following Senators voted Yes: Below, McCarley, Trombly, Disnard, Pignatelli, Larsen, J. King, Wheeler, Hollingworth, Cohen.

The following Senators voted No: Gordon, Johnson, Fraser, Roberge, Eaton, Fernald, Squires, Francoeur, Krueger, Brown, Russman, Klemm.

Yeas: 10 - Nays: 12

Motion failed.

Senator Francoeur moved inexpedient to legislate.

Adopted.

HB 1621 is inexpedient to legislate.

HB 1163, relative to the date of decision for appeals of zoning matters. Public Affairs Committee. Vote 3-0. Ought to Pass, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 1163 is relative to the date of decision for appeals of zoning matters. House Bill 1163 was filed as a result of the work of a study committee this past summer. In the past, zoning and planning boards had different time sequences for procedures. This has been very confusing. The provisions of HB 1163 make all the time lines the same 30-day period for persons to file for a rehearing regarding any decision or order. House Bill 1163 also provides that this period begin with the date of the decision, which has been another area of confusion. In order to conform with the Right to Know statute, HB 1163 states that all decisions must be published within 144 hours. This used to be 72 hours. The goal of HB 1163 is to provide timelines which everyone can understand and which are consistent among the boards. The Public Affairs Committee recommends ought to pass.

Adopted.

Ordered to third reading.

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B. Public Affairs Committee. Vote 4-0. Ought to Pass, Senator McCarley for the committee.

SENATOR MCCARLEY: House Bill 1457 creates a committee to study all aspects of the condominium act. Each of us is acutely aware of the conflicts surrounding the Condominium Act. Especially difficult for condominium associations to deal with is the requirement that provisions for increasing or decreasing their associations must be voted affirmatively by 100 percent of the membership. This provision is among the issues to be studied by the committee established here. The Public Affairs Committee recommends that HB 1457 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 310, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: Thanks to our chairman, I know far more than I ever wanted to know about this topic. I am going to spare you what are truly the gory details and just give you the politics of HB 310. One of the things that we learned that was during the 1970's, in an effort to save the state approximately \$160,000 a year, Governor Meldrim Thomson turned

over the responsibility of meat inspections in New Hampshire to the United States Department of Agriculture. Meat inspections in the two slaughter houses in New Hampshire, continue to be done by the food safety inspection service within the USDA. Despite this fact, however, New Hampshire has kept its own laws relative to state meat inspections within state statutes. Auditors from the federal government have asked twice now, that the New Hampshire Department of Agriculture see about removing these laws from the RSA's, as the auditors feel that they are unnecessary. However, the New Hampshire Department of Agriculture would prefer not to remove these laws in case they are needed at some time in the future. I guess that when we have more money that we want to spend on meat inspection; therefore, HB 310 seeks to resolve this issue by maintaining that the New Hampshire laws regarding meat inspections shall not apply or be in effect unless or until such time as the food safety and inspection service division of the USDA withdraws its meat inspection program from the state. The New Hampshire DOA believes that this legislation will satisfy the request made by the federal auditors. I urge you to support HB 310 and don't ask us about chickens. Thank you.

SENATOR MCCARLEY: I have a question about chickens, Senator Wheeler.

SENATOR WHEELER: Oh no. That is the death penalty...

SENATOR MCCARLEY: I would just like to confirm that indeed you can kill up to 2000 chickens without needing any sort of an inspection by the government?

SENATOR WHEELER: That is our understanding and EMU's go out of state.

SENATOR MCCARLEY: Thank you.

SENATOR PIGNATELLI: Senator Wheeler, does that mean that next year we are going to have a chicken hunting season?

SENATOR WHEELER: Probably we should, but they won't be federally inspected.

Adopted.

Ordered to third reading.

HB 618-FN-A, establishing a voucher program for smoking cessation. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: This bill is an addendum or a filler-in as it were of HB 1594, which we passed about three weeks ago that allocates the expenditures of the \$3 million for the tobacco prevention fund. That bill actually only allocated, instead of \$3 million, it allocated \$2,850,000. This bill is a complimentary bill which adds \$150,000 for a smoking cessation program. This came out of committee with the unanimous consent. It completes the allocations that are intended for the \$3 million for tobacco. I urge you to pass it.

Adopted.

Referred to the Finance Committee (Rule #24).

HB 1195, making technical changes to the law regulating acupuncture. Public Institutions, Health and Human Services Committee. Vote 4-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: This bill changes acronyms in the acupuncture statutes. I feel a song but it hasn't fully materialized. The organizations referenced remain the same, though their names and acronyms have changed. I feel that this is part of the witness protection program. Just kidding. The bill also clarifies that the administrator of the board will handle any money, and not the volunteer secretary of the board. Further, the bill stipulates that license will be renewed or reissued upon payment. The last clarification is that 30 continuing education units are required for each biennium. The committee recommends this bill ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1244, relative to the use of certain needle technology. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: House Bill 1244 requires the commissioner of the Department of Labor along with the commissioner of the Department of Health and Human Services to adopt rules to protect health care workers from needle stick injuries, which is a significant problem. Technology is coming to the rescue here. There are new types of needles and syringes which have mechanisms, which after being used, the needle retracts into the syringe, or a protective sheath comes out over the needle. This bill and this authority will allow the state to apply to its own facilities, standards that are rapidly becoming a manner of the day as it were, in private institutions. It also establishes a ten-member advisory committee to assist in the rulemaking process. I urge your passage of this bill.

SENATOR LARSEN: Senator Squires, I understand the need for reviewing needle safety, but I wonder...the advisory council appears to be permanent, and I wonder why do we need a 10-member advisory council to do what is probably not a...I don't see it as that difficult a job to establish rules or to institute this law without an advisory committee of 10 members that goes on...? Was there a discussion on that in committee?

SENATOR SQUIRES: No. There was not a discussion. I suspect that the issues here as you can see, it talks about needles, scalpels, lancelet, broken glass, broken capillary tubes and etc., is going to be a little more complex than what could be addressed in a course of a year or so. Another issue that I know that brought about the advisory council was this whole arena that exists in dentists, which is not clear. So that is in no way intended as a defense or explanation. This is the way that the bill came to us. There was no discussion about that issue, so I can shed no further light upon it.

SENATOR LARSEN: Thank you.

Adopted.

Ordered to third reading.

HB 1377, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to pass with amendment, Senator Squires for the committee.

2000-4223s**01/09****Amendment to HB 1377**

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting managed care organizations from disqualifying certain physicians as providers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Disqualification of Certain Physicians Prohibited. Amend RSA 420-J by inserting after section 7-b the following new section:

420-J:7-c Disqualification of Certain Physicians Prohibited. A physician who is part of a health carrier's provider network on December 31, 2000, shall not be disqualified from participating in that network solely because such physician is not certified by a member board of the American Board of Medical Specialties.

2 Effective Date. This act shall take effect 60 days after its passage.

2000-4223s**AMENDED ANALYSIS**

This bill prohibits managed care organizations from disqualifying its provider-network physicians who are part of such network on December 31, 2000 solely on the basis that such physicians are not certified by one of the American Board of Medical Specialties' approved boards.

SENATOR SQUIRES: During the testimony that we heard about this bill, there are approximately 50 physicians in New Hampshire who are practicing what today we would call some sort of specialty, and for a variety of reasons, these individuals do not possess certification by a specialty board. The managed care plans have contracts for these individuals and appear in their networks. The issue is that at some point in the future, it is conceivable that some standards board or something like that might require that all enrolled physicians, or all physicians under contract, would have to be board certified. If that were to happen, and the emphasis is on "if", then these 50 individuals, the majority of whom are older, could no longer make a living. So what the bill does is, in essence, it creates a grandfather status for those that are now currently engaged in contracts with managed care organizations who do not have board certification. They cannot be dis-enrolled. Their contracts cannot be terminated solely on the basis of the lack of a specialty certification. The problem will disappear in probably ten years anyway, since virtually every physician coming out of training now eventually becomes certified. For the moment, there was no opposition to this bill it seems fair and certainly will protect a small group of people from some sort of arbitrary economic hardship. Thank you.

SENATOR KRUEGER: I want to be on the record as saying that this bill originated based on the premise that often many of us and many of our constituents are forced to switch primary physicians due to the disappearance of HMO's in the state and various other reasons totally out of their control. I just wanted to say...that I obviously support this bill, but I hope that sometime that this body will look back to the original intent of the bill, and that is the fact that HMO's cannot, if duly certified, exclude your old primary care physician from being in that network, so I just wanted to make that point.

Amendment adopted.

Senator Pignatelli offered a floor amendment.

2000-4257s

01/09

Floor Amendment to HB 1377

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3, respectively:

2 Joint Health Council Duties. Amend RSA 326-B:10-a, III to read as follows:

III. The duties of the joint health council shall include, but not be limited to, **determining the type of A.R.N.P. formulary, exclusionary, inclusionary, or other, and** adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council **unless there is a request for additional scientific information.** ~~[Any new controlled or noncontrolled molecular entities, in accordance with federal Food and Drug Administration provisions in 21 C.F.R. part 312, that are available after September 1, 1994, shall be considered for approval by the board upon petition by advanced registered nurse practitioners and approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council].~~ **Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.**

2000-4257s

AMENDED ANALYSIS

This bill prohibits managed care organizations from disqualifying its provider-network physicians who are part of such network on December 31, 2000 solely on the basis that such physicians are not certified by one of the American Board of Medical Specialties' approved boards.

This bill also clarifies the duties of the Joint Health Council.

SENATOR PIGNATELLI: As promised earlier, I have an amendment dealing with language for the Joint Health Council. Because some of us were concerned with some ambiguous language in what the Joint Health Council could or could not do in terms of setting up a formulary, and the legislative aid in Legislative Services, also mentioned that the language was ambiguous. I have had drafted, with Senator Wheeler's knowledge, and her support, this amendment, which deals with the bill that we passed earlier, 1410, dealing with nurse practitioners and prescription privileges. As you can see, on lines 10, 11 and 12, it spells out quite clearly that the Joint Health Council can determine exactly what kind of a formulary they wish to have for nurse practitioners prescriptive practices. With that, I ask for your support on this amendment.

Floor Amendment adopted.

Ordered to third reading.

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. Public Institutions, Health and Human Services Committee. Vote 5-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: I rise in support of HCR 20. During the hearing on this legislation, the committee learned that the Medicare Program administered by the Health Care Financing Administration or HCFA, has spent several years working on a comprehensive assessment tool that will be used not only to evaluate individuals care needs, but also to monitor progress towards care goals or outcomes. This tool is called the outcome and assessment information set (oasis). The Home Health Care Agencies in New Hampshire understand and agree that this assessment tool should be used as it applies to Medicare services, but still, it has increased cost to providers and has caused some inconvenience to patients. However, the main concern of the Home Health Care Agencies in New Hampshire, is that with this requirement from HCFA, via regulations, this same process must be applied to all adults served by a Medicare Certified Home Health Agency regardless of who is paying for the care. So even the private pay patients have to answer these 19 pages worth of fairly intrusive questions. At this point, only congress and the President, can instruct HCFA that the current regulations must be changed to restrict the mandatory application of oasis to federally funded home care services. I urge you to support this resolution. Thank you.

Adopted.

Ordered to third reading.

HB 1131-FN, relative to license revocations and suspensions. Transportation Committee. Vote 3-0. Ought to Pass, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 1131 provides that persons under the age of 21 who are convicted of driving while under the influence shall not be eligible to have their driving privileges reinstated for a period of at least one year. House Bill 1131 is offered in a sincere effort to help our state's young drivers live to make it into the future. This is one more important step in sending a strong message to our youth that alcohol and automobiles are not to be mixed. Across most of society, DWI convictions are coming down. However, in the under-age driving group, there has been an increase of 300 percent. These young drivers are not even old enough to consume alcoholic beverages legally, and yet, they are combining alcohol and automobiles. Commercial driver's licenses and pilot licenses have a 0.04 tolerance rating with automatic revocation if convicted. While some members of the Transportation Committee were in support of a longer license revocation, House members felt this would defeat the bill. The Transportation Committee recommends ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. Transportation Committee. Vote 3-0. Ought to pass with amendment, Senator Gordon for the committee.

2000-4252s

01/09

Amendment to HB 1165-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

Amend the bill by replacing all after the enacting clause with the following:

1 Reclassifications. The following class II highways shall be reclassified as Class V highways:

I. Summer Street in the town of Northfield beginning at the intersection with Route 132 northerly for a distance of 0.68 miles to the class V portion at the intersection with Bay Street.

II. Autumn Drive in the town of Tilton beginning at the intersection with Lancaster Hill Road northerly for a distance of 0.67 miles to the Sanbornton town line.

III. NH Route 49 in the town of Waterville Valley beginning at the intersection with Tripoli Road northerly for a distance of 1.36 miles to the end of existing NH Route 49.

2 Applicability. Section 1 of this act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section 1 of this act shall be effective until such time as the local legislative body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution. The corresponding municipality is hereby authorized to hold a special meeting without prior judicial authorization for the purposes of this section.

3 Authorization of Issuance of Bonds or Notes to Address General Fund Deficit. Notwithstanding any provision of law to the contrary, Waterville Estates Village District is hereby authorized to issue up to \$450,000 in general obligation bonds or notes under and in compliance with the provisions of RSA 33 for the purpose of raising money to address the district's general fund deficit. Bonds or notes so issued shall mature not later than 5 years from their date of issuance and shall not be counted towards the district's debt limit under RSA 33:4-a.

4 Special Meeting. Waterville Estates Village District is hereby authorized to hold a special meeting without prior judicial authorization for the sole purpose of authorizing the issuance of the bonds and notes authorized under section 3 of this act.

5 Authorization for Overlay for the Waterville Estates Village District. The property tax assessment for the Waterville Estates Village District may be increased by a sum not exceeding 5 percent more than such assessment to answer any abatements that may be made by the town of Campton against property lying within the district. The governing body of the district shall annually determine the amount of overlay to be assessed, if any, up to 5 percent of the district's property tax assessment for property located in the town of Campton and shall certify such amount to the department of revenue administration at the time the annual property tax rate is established pursuant to RSA 21-J. Notwithstanding the

provisions of RSA 76:6, the town of Campton may assess a sum not exceeding 5 percent more than the amount of taxes assessed by them exclusive of the Waterville Estates Village District assessment.

6 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

2000-4252s

AMENDED ANALYSIS

This bill reclassifies certain roads in the towns of Northfield, Tilton, and Waterville Valley.

This bill authorizes the Waterville Estates Village District to issue bonds and notes. This bill also authorizes an overlay for such district.

Senator Gordon moved to have **HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

HB 1454, relative to deputy conservation officers in the fish and game department. Wildlife and Recreation Committee. Vote 3-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: This bill makes two changes to the current statute governing deputy conservation officers. First it changes the age requirement which now specifies that the deputy conservation officers must be between 21 and 55 to requiring only that they must be at least 21 without specifying any upper age limit. As a result of a provision in the current statute exempting retired personnel of Fish and Game Department from the age requirements becomes unnecessary and is repealed. The second change relates to compensation. The current law provides a deputy conservation officer shall be compensated at rates fixed by the executive director of the department, but provides that they shall serve at least eight hours per month without compensation. The bill as the provisions specifying that nothing in the statute shall be read as prohibiting a deputy conservation officer from volunteering to serve more than eight hours per month without compensation. The committee unanimously recommends HB 1454 as ought to pass. Thank you.

Adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 311, relative to the recovery of public assistance.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 311, relative to the recovery of public assistance.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 320, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes Cooperative School District meeting held on March 8, 2000.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 320, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes Cooperative School District meeting held on March 8, 2000.

Senator McCarley moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 325, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 325, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 327, relative to responsibility of the employee and perjury under workers' compensation.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 327, relative to responsibility of the employee and perjury under workers' compensation.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 372, relative to certain engineering businesses.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 372, relative to certain engineering businesses.

Senator Cohen moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 394, making miscellaneous changes in the Insurance laws.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 394, making miscellaneous changes in the Insurance laws.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 402, relative to employee reimbursement for work-related expenses.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 402, relative to employee reimbursement for work-related expenses.

Senator Trombly moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 416, relative to licensure of dietitians.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 416, relative to licensure of dietitians.

Senator Cohen moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 426, relative to boat dealers and repairers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 426, relative to boat dealers and repairers.

Senator Gordon moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 431, relative to certain secondary vocational education programs.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 431, relative to certain secondary vocational education programs.

Senator McCarley moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Senator Russman moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Russman, Below

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time.

Adopted.

**LATE SESSION
ANNOUNCEMENTS**

SENATOR KRUEGER (RULE #44): Madame President, I stand here and actually I will be speaking on two topics, interestingly enough they are somewhat related. The second thing that I would like to do is to provide a very brief testimony to my predecessor, Senator Eleanor Podles. But before I do that, I want you all to know that I am the bard. I am not a poet, but I couldn't think of a better way to say what I am going to say, but than to put it in verse. So you must forgive me and give me much poetic license. I wrote this for you. It is titled The Knights of the State. I am sorry, by the way, that Lou and Fred are not here. They are best lines actually.

The Knights of the State

So, in the days of 'yore,
In the land of what used to be "plenty,"
Were 24 fine Ladies and "Genties",
Who toiled for the good of all parts
And learned to care for each other's hearts.
Such courage they showed
Such wisdom displayed!

They came, They conquered,
But alas, were dismayed.
A state whose history has been lax,
A court, a school, another tax.
They heard the wails of all in need,
With heavy burdens they'd ride their steeds
Back each day from whence they came
To tell the people excuses too lame
Why they couldn't solve the riddle
Whether right or left, for peace...
Most moved to the middle.
Who are these gallant souls
These messengers of lofty goals?
First come the two Kings.
One from the North, the other the South.
North King rides his mighty moose
Into budgets which were let loose
And emerges triumphant in all respects
Fred, my friend, I am in your debt.
South King, John, roars like a mighty lion
And bellows for his causes...some, are even mine.
Next comes Ned, the Wise.
He balances law and, injustice does despise.
Gently beside him, comes Carl, the Beloved.
A leader with strength and dearness much coveted.
Leo, Chair of the Committee of Banks,
Handles tasks difficult, often with no thanks.
Oh Cliff, the new Warrior, in the front row,
How hard you did try to make income tax go!
Caroline the Passionate in her quest
"To help the children," that is her bequest.
Rick, from you we learn the other side
Of issues that some are driven to deride.
The Gentlemanly George with a penchant for fish
Oh, he is surely the one I shall miss.
Sheila, the Dean, loved by all things canine
A soft spoken dynamo, but so very kind...
A new knave, Sir Tom, perfectly dressed
Evened our numbers and for that, we are blessed.
Oh, Burt, hard to believe we were allies some
I've enjoyed knowing you, but it has put me under the gun.
Art, a grand man who bets on the answer to "C"
Given to hard work, success, and much personal help to me.
Katie, your beliefs are real and deep
Very different from the ones I do keep.
You may think I am your foe,
But in fact, great admiration for you, I do show.
Lou, oh Teacher of all we've so far met,
Another believer in the chance to bet.
Rick, you, the great champion of many solutions
To rid the planet of environmental pollutions.
Mary the Fair, and strong of heart
Thank you for letting me be a part
Of your history-making mind
Perhaps New Hampshire will realize, it is time.

Sylvia, not knowing you earlier is a regret
 We have learned that "different" is actually great.
 Gary, Builder of great things
 Can easily tell when inconsistency rings.
 Debbie, the Just, for justice you have sought
 And criminals, with you as chair, would soon be caught.
 Jim, the Healer, persuader by gentility
 How grateful am I, you have given to me
 New perspectives on the state's most needy.
 Yet balanced against those most greedy.
 And Mark, the third Senator who dreams to aspire
 To lead in an office so much higher.
 Bev, the Chief of all the knights
 Has tried her best to raise our sights
 To the blending of ideas...
 Bev listens and hears.
 As for me, my friends, I plan not to run
 For reasons so varied, which cannot be undone.
 (Although I am sure I would have won)
 I was dealt poor health, enriched by children galore
 So I must leave your midst, a thought I truly abhor.
 I love the Senate, its camaraderie, its laws.
 Its reason for being, I still stand in awe.
 I thank you all, the staff as well
 For giving me the chance to really excel
 You will be with me always and I with you,
 As part of the great Millennial crew.
 And because of love and faith...and a small state,
 I'll read of your ventures with interest and great.
 I'll be sad I'm not with you, but some things can't wait
 With my hand in my spouse's, I'll stroll by my rose garden's gate.

I also wanted to speak, ironically of course, Eleanor was the one who had approached me about running for the Senate. I adored Eleanor. I adored her, I went tromping with her on the campaign trail. She introduced me to people and places that I didn't even know existed in my own district. I remember, in fact, I believe that Sarah Connick was with me, when we visited a trailer park that...they adored Eleanor there. I probably won't do her justice, but I just wanted to share with and get it in the record that of course Eleanor Podles died last night at Elliot Hospital. She was 79. She had been ill for only a few weeks. At the time of her death she was with her husband and two daughters. Arrangements are unknown at this time. One of the reasons that Eleanor left the Senate as you recall was because her husband Francis was quite ill. I think that she had some wonderful times with him and with her great love of golf. But just to recall, she was a two-term state Representative. She was nine terms in the Senate. She was a Republican. She worked 11 years at the Manchester City Library, she was the President Pro-tem for ten years. She was chairman of the Senate Judiciary Committee for 12 years. Her priorities were responsible state spending, environment, children and the elderly. I need to say that in the brief time that I have represented the same district, I hear over and over again, from both the young and the old, the incredible work that Eleanor did that I am sure that not very many people even know about, but those people know about it. She graduated from Bartlett High School in Webster, Massachusetts. She attended UNH. She was a national Republican convention delegate from

1980 and 1984. She was a state constitutional convention delegate in 1984. She was on the board of Saint Joseph's Community Services, the board of directors Mental Health Center of Greater Manchester, and the board of New Hampshire Children's Trust Fund. It is with the greatest of sadness that I would like to take this moment to honor Eleanor. Without her, ironically, I wouldn't have been here. Thank you.

SENATOR HOLLINGWORTH (In the Chair): We all will miss Eleanor, but we know that she is probably having a great time with Junie playing golf right now.

SENATOR GORDON (RULE #44): We had some discussion last week in regard to a bill having to do with insurance. It was interesting because I made the comment at the time that it took three lawyers to outdo an insurance adjuster. But it brought to mind some issues. The issues are, basically having to do with TORT. TORT reform and the perception that we have that in fact, and jury verdicts are out of control in the state. So I had some information, which I want to distribute. This is information that came across my desk, which I thought that I would just pass around. It is a list of all of the jury trials in the Merrimack County Superior Court from 1990 through July of 1998. These are all of the civil jury trials where somebody who might have had a personal injury case brought to trial in the court. The very first presumption is, there are lots of these. But what you will find is that over the course of 8.5 years, there were 130 of these trials, which means that that is about 15 a year, or a little more than one trial a month in Merrimack County, which is one of our more populated counties in the entire state. So there aren't a lot of these trials. The second thing that I would like to point out, you will see right on the face of it, that in more than half of the cases, the defendants won. Out of the 130 cases that were heard, 69 of them got the defendant's verdicts, that means that the plaintiffs walked away with nothing. Then if you look through this...this is compiled by the court, this isn't compiled by the trial lawyers or anybody else. This is compiled by the court. If you look through here and you look through the jury verdicts and the amount of monies that were awarded, in the trials that were successful, what you will see is where it starts off as \$9,000, \$83,000, \$15,000, \$12,000 we are not talking about the system here that is out of control. We are talking about juries that when they do make awards in this state are very conservative. I can tell you very fortunately, that I have two cases on here, both of which I won, I want to point out, and where the jury verdict was \$2,000, but it happened to be a case, just to tell you what the case was about, was where somebody went to a person who was dying of a cancer of the esophagus, four days, the day that they took him to the hospital to die, put a deed in front of him and asked him to sign the deed and turn the property over to him. I represented the heir in his will who was disenfranchised by that. The jury made a decision that that was kind of wrong to do and that there might have been some undue influence. The other thing is, somebody might say, well you know, there are lots of...this really doesn't reflect the situation, because there are so many settlements because you don't go to trial. The reason that you don't go to trial is because you don't want to be subjected to this, and that every time a plaintiff settles, they settle for less than they think that they deserve in order to avoid trial. So I just wanted to put things into perspective and I thought that this information might be helpful in doing that. Thank you.

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of introducing legislation, referring bills to committee and scheduling hearings, House messages, enrolled bills and amendments and that when we adjourn we adjourn to Wednesday, May 3, 2000 at 3:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 310, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

SB 460-FN, establishing a grant program to reimburse eligible districts served by municipal waste combustors.

HB 1102, relative to accessibility of veteran's disability payments in divorce cases.

HB 1131-FN, relative to license revocations and suspensions.

HB 1163, relative to the date of decision for appeals of zoning matters.

HB 1195, making technical changes to the law regulating acupuncture.

HB 1244, relative to the use of certain needle technology.

HB 1344-FN, expanding the used oil program.

HB 1377, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods.

HB 1404, creating a study committee to address mechanisms for the preservation or disposal of state records.

HB 1406, relative to transition service.

HB 1410, relative to the joint health council.

HB 1412, relative to electric customer-generators.

HB 1424, relative to reevaluation of a person's competency to stand trial.

HB 1454, relative to deputy conservation officers in the fish and game department.

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

HB 1459, requiring the state police to record and update information relative to the charges of criminal and civil non-support.

HB 1483, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

HB 1492, relative to clarifying the state's stalking statute.

HB 1494-FN, establishing penalties for attempts to purchase firearms illegally.

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

In recess.

Out of Recess.

2000-4260-EBA

08/10

Enrolled Bill Amendment to HB 427

The Committee on Enrolled Bills to which was referred HB 427

AN ACT relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 427

This enrolled bill amendment inserts the correct RSA text as amended by 1999, 213.

Enrolled Bill Amendment to HB 427

Amend RSA 318:52-c, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Hypodermic syringes, needles or any instrument adapted for the administration of drugs by injection shall not be sold except in registered pharmacies. No person shall sell, furnish, or give to any person ~~for persons other than a duly licensed physician, dentist, veterinarian, nurse, midwife certified pursuant to RSA 326-D, podiatrist, pharmacist, or embalmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern or advanced registered nurse practitioner of a hospital, sanitarium or other medical institution~~, **under 18 years of age**, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of drugs by injection without the written or oral prescription of a duly licensed physician, dentist, veterinarian, or advanced registered nurse practitioner. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed, and the number of instruments prescribed.

Amend RSA 318:52-e as inserted by section 3 of the bill by replacing it with the following:

318:52-e Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited **for Minors**. No person **under 18 years of age** shall have under ~~[his or her]~~ **such person's** control or possess a hypoder-

mic syringe, hypodermic needle, or any instrument adapted for the administration of drugs by injection, [except a duly licensed physician, dentist, nurse, pharmacist, podiatrist, midwife certified pursuant to RSA 326-D, veterinarian, embalmer, a manufacturer or dealer in embalming supplies, registered wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his or her official duties, paramedical personnel acting under the direction of a physician, dentist, or advanced registered nurse practitioner, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, a carrier or messenger engaged in the transportation of such articles during the official performance of his or her duties, or a] *unless the* person [who] has received a written or oral prescription issued under RSA 318:52-c. For the purpose of this subdivision, no such prescription shall be valid which has been outstanding for more than one year. [Provided, however, that the industrial use of hypodermic syringes, needles or instruments in any manufacturing process not utilizing drugs shall not be prohibited, so long as such use is under the proper supervision of a designated person or persons; and such hypodermic syringes, needles or instruments may be purchased for such use from a registered drug store without a written or oral prescription issued under RSA 318:52-c.]

Senator Trombly moved adoption.

Adopted.

2000-4313-EBA

08/09

Enrolled Bill Amendment to HB 1457

The Committee on Enrolled Bills to which was referred HB 1457

AN ACT establishing a committee to study all aspects of the condominium act established under RSA 356-B.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1457

This enrolled bill amendment corrects the report date in section 5 of the bill.

Enrolled Bill Amendment to HB 1457

Amend section 5 of the bill by replacing line 3 with the following: the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

Senator Trombly moved adoption.

Adopted.

2000-4261-EBA

03/01

Enrolled Bill Amendment to HB 1200-FN

The Committee on Enrolled Bills to which was referred HB 1200-FN

AN ACT relative to the application of education property tax hardship relief to estate planning trusts.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1200-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 1200-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

Senator Trombly moved adoption.

Adopted.

2000-4262-EBA

08/01

Enrolled Bill Amendment to HB 1357-FN

The Committee on Enrolled Bills to which was referred HB 1357-FN

AN ACT relative to the sale of state-owned property in the towns of Belmont and Laconia.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Explanation to Enrolled Bill Amendment to HB 1357-FN

This enrolled bill amendment makes a technical correction to the bill.

Enrolled Bill Amendment to HB 1357-FN

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. 1988, 243, relative to retaining certain state-owned land overlooking Lake

Senator Trombly moved adoption.

Adopted.

2000-4250-EBA

08/09

Enrolled Bill Amendment to HB 1156

The Committee on Enrolled Bills to which was referred HB 1156

AN ACT establishing June 20th each year as Destroyer Escort Day.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1156

This enrolled bill amendment rennumbers an RSA section inserted by the bill, contingent upon the enactment of 2000, HB 1149.

Enrolled Bill Amendment to HB 1156

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 1149 of the 2000 legislative session becomes law, then RSA 4:13-i as inserted by section 1 of this act shall be renumbered as RSA 4:13-j.

Senator Trombly moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 1143, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

HB 1151, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives.

HB 1614, naming 2 bridges.

SB 313, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families.

SB 339, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth.

SB 456, relative to testing newborns for deafness.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 305, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey and increasing a capital appropriation to the department of safety.

HB 1161, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

HB 1334, relative to posting municipal roads.

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics.

HB 1405, exempting 50/50 raffles from the laws regulating games of chance.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 1149, commemorating the anniversary of the founding of certain branches of the United States armed forces.

HB 1160, relative to access to the enhanced 911 system.

HB 1191, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

HB 1194, relative to the composition of planning boards in certain cities.

HB 1265, relative to registration of certain antique OHRVs.

HB 1322, relative to the regulation of certain outdoor advertising devices.

HB 1368, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials.

HB 1373, relative to payments of first and second mortgage home loans.

HB 1382, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids.

HB 1390, establishing a commission to study the relationship between public health and the environment.

HB 1422, relative to the composition of and procedures for the appellate board of the department of employment security.

HB 1450, relative to hearings and appeals of equal pay claims.

HB 1465, extending the reporting date of the committee to study the non-group health insurance market.

SB 186, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

SB 307, relative to biosolids and short paper fiber.

SB 322, extending the needle exchange pilot program.

SB 364, relative to benefits for permanent bodily losses under worker's compensation.

SB 370, relative to reflectors on bicycle pedals.

SB 390, relative to vested deferred retirement benefits for group II members.

SB 407, relative to dog licensure.

SB 417, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits.

SB 443, relative to veterinarian reimbursement for the animal population control program.

SB 455, relative to campgrounds.

Senator D'Allesandro moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed a Bill and a Resolution with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1452, codifying the powers and duties of the joint committee on legislative facilities.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

INTRODUCTION OF HOUSE BILLS

Senator Cohen offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1452 - HCR 35 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1452, codifying the powers and duties of the joint committee on legislative facilities. **Energy and Economic Development**

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. **Wildlife and Recreation**

NOTICE OF RECONSIDERATION

Senator Fernald served notice of reconsideration on **HB 1621-FN**, allowing administrative home confinement for habitual offenders.

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Wednesday, May 3, 2000 at 3:00 p.m.

Adopted.

Adjournment.

May 3, 2000

The Senate met at 3 p.m.

A quorum was present.

The prayer was offered by Father David P. Jones, Senate Chaplain.

On Monday at Eleanor Podle's funeral, it was interesting to me that not a word was spoken about the importance of her political party affiliation, nothing was said about her particular legislative strategies and tactics, no attention was paid to the scope of her press coverage, the level of her popularity, or the extent of her power. I guess in the end, all that stuff isn't that important. What we did hear about was her reliability, her advocacy for her children, her love for her family and her simple authenticity. At Eleanor's funeral, I was reminded that folks are less interested in political dexterity than they are in wisdom and courage; less hungry for reduction in taxes than for an increase in integrity and seeking not so much positions they can agree with as examples of kindness, efficiency and fairness that they can be challenged to copy. Be sure to work on those things you want people to be talking about at your funeral – and don't get too excited about the other stuff. Let us pray:

Gracious and patient Lord, whenever we are willing, You will gently inspire, guide and protect our steps. Give us each the courage we need in facing choices and duties that demand our very best, to depend more on You than on our own preferences, fears and opinions. And in so doing may the lasting effect of our service be to spread abroad the aroma of Your love and not our importance. Amen.

Senator D'Allesandro led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

NOTICE OF RECONSIDERATION

Senator Trombly served notice of reconsideration on **HB 1253**, establishing a 4-year term for the commissioner of the department of corrections.

NOTICE OF RECONSIDERATION

Senator Larsen served notice of reconsideration on **SB 431**, relative to certain secondary vocational education programs.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 434-FN-L, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 434-FN-L, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

Senator Russman moved to concur.

Adopted.

COMMITTEE REPORTS

SB 472, relative to final authorization of electric rate reduction financing and commission action. Energy and Economic Development Committee. Vote 7-0. Ought to pass with amendment, Senator Below for the committee.

2000-4333s

03/10

Amendment to SB 472

Amend RSA 369-B:1-3 as inserted by section 2 of the bill by replacing it with the following:

369-B:1 Declaration of Purpose and Findings. The general court finds that:

I. The restructuring of electric utilities to allow retail electric competition and less costly regulation is in the public interest. New Hampshire is implementing such restructuring to create retail customer choice, which will provide retail electric service at lower costs.

II. The divestiture of electric generation by New Hampshire electric utilities will facilitate the competitive market in generation service. Further, the proceeds of generation divestitures may decrease rates for the customers of transmission and distribution utilities.

III. The establishment of structured financing options for electric utilities will facilitate reductions in transmission and distribution rates for all customer classes, thereby advancing the near term rate relief

principle of RSA 374-F:3, XI, without creating any debt or financial obligation of the state or other adverse impacts upon the state's finances or credit rating.

IV. The state agrees that its pledge, contract, and agreement and the pledge of the commission not to impair the rights or remedies of holders of rate reduction bonds creates a secure expectation of repayment on the part of bondholders.

V. Pursuant to 1999, 289:3, I, the commission has held hearings regarding the original proposed settlement to restructure the Public Service Company of New Hampshire (PSNH) and has issued its April 19 order, accepting the proposed settlement agreement as being in the public interest and consistent with New Hampshire law, and as a final resolution of the dockets listed therein, subject to the conditions listed in the April 19 order.

VI. Pursuant to 1999, 289:3, I, the commission has held hearings with respect to the securitization proposal contained in the proposed Settlement Agreement and has found that implementation of that securitization proposal, subject to the conditions listed in the April 19 order, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VII. Implementation of that securitization proposal, subject to the conditions listed in the April 19 order, and as further modified in this chapter, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VIII. Implementation of that securitization proposal requires enactment of further enabling legislation by the general court, and it is in the public interest to pass such further enabling legislation in the form of this chapter.

IX. Approval by the commission of a finance order for PSNH that incorporates the April 19 order, that satisfies the conditions of RSA 369-B:3, IV(b), and that is otherwise substantially consistent with RSA 374-F:3, RSA 369-A:1 and RSA 369-B:1 is in the public interest.

369-B:2 Definitions. In this chapter:

I. "April 19 order" means commission Order No. 23,443 in Docket DE 99-099 as it was issued on April 19, 2000, excluding any subsequent amendments.

II. "Commission" means the public utilities commission established in RSA 363, as it may be constituted from time to time, and any successor agency exercising functions similar in purpose to such commission.

III. "Finance order" means an order of the commission adopted prior to or following the effective date of this chapter pursuant to 1999, 289:3, I, pursuant to this chapter, or pursuant to both 1999, 289:3, I and this chapter.

IV. "Financing entity" means any special purpose trust, limited liability company, non-profit corporation, or other entity that is authorized in accordance with the terms of a finance order to issue rate reduction bonds, acquire RRB property, or both on behalf of the electric utility, or any combination of such entities.

V. "Original proposed settlement" means the "Public Service Company of New Hampshire Restructuring Settlement Agreement" filed with the commission on August 2, 1999.

VI. "PSNH" means the Public Service Company of New Hampshire.

VII. "Rate reduction bonds" ("RRB") means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness

or ownership, issued pursuant to an executed indenture or other agreement of a financing entity, in accordance with this chapter, 1999, 289:3, I and II, and RSA 369-A, the proceeds of which are used, directly or indirectly, to provide, recover, finance, or refinance RRB costs, and which, directly or indirectly, are secured by, evidence ownership interests in, or are payable from, RRB property.

VIII. "Retail electric service" means the delivery of electric power through the provision of transmission and/or distribution service by an electric utility to a retail customer within its service territory or territories, regardless of such retail customer's source of electric power, and shall include any back-up, maintenance, emergency, and other delivery service provided to a retail customer by an electric utility.

IX. "Retail customer" means any person or entity purchasing directly or otherwise obtaining or being supplied directly with retail electric service for end use consumption, including those served under special contracts.

X. "RRB charge" means those retail electric service rates and similar charges that are authorized by the commission in a finance order to recover those RRB costs that are eligible to be funded with the proceeds of rate reduction bonds pursuant to this chapter and the costs of providing, recovering, financing, or refinancing such RRB costs through a plan approved by the commission in the finance order, including the costs of issuing, servicing, and retiring rate reduction bonds. The RRB retail electric service rate or charge authorized by the commission may vary by cost of service, customer class, and between special contract customers. All RRB charges shall be assessed on a per kilowatt-hour basis.

XI. "RRB costs" means expenditures which are incurred by an electric utility or which an electric utility is obligated to incur either prior to or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include but are not limited to:

(a) Expenditures incurred in respect of generation assets, entitlements, and acquisition premiums.

(b) Expenditures incurred in respect to the buyout, buydown, restructuring or renegotiation of wholesale purchase power contracts.

(c) Expenditures incurred in respect to regulatory assets.

(d) Expenditures incurred to refinance or retire existing debt or existing equity capital of the electric utility and any costs related thereto.

(e) Amounts necessary to recover federal or state taxes actually paid by an electric utility, which tax liability recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter.

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, debt service and other reserves, costs of credit enhancement, indemnities, if any, owed to the state or the trustee for the rate reduction bonds, issuance costs and redemption premiums, if any, and all other reasonable fees, costs, and charges in respect of rate reduction bonds.

XII. "RRB property" means the irrevocable vested property right created pursuant to this chapter and one or more finance orders, including, without limitation, the right, title, and interest of an electric utility or a financing entity in and to all revenues, collections, claims, payments, money, or proceeds of or arising from the RRB charge authorized to be

imposed and collected pursuant to such finance orders to recover RRB costs and the costs of paying, financing, reimbursing, or refinancing the RRB costs, including the reasonable costs of issuing, servicing, and retiring rate reduction bonds, and in and to all rights to obtain adjustments to such RRB charge pursuant to the terms of RSA 369-B:4, III and the finance order, all as determined by the commission in its approval of such finance orders. "RRB property" shall constitute a current and irrevocable vested property right, notwithstanding the fact that the value of such property right may depend upon electricity usage or the performance of certain services.

XIII. "Security interest" means a security interest as defined in RSA 382-A:1- 201(37).

XIV. "Service territory" means, with respect to any electric utility, the geographic area established by the commission as the retail electric service territory of such electric utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993, together with any other geographic area in which such electric utility actually provided retail electric service on such date.

369-B:3 Authority to Issue Finance Orders to Finance RRB Costs.

I. The commission is authorized, upon the petition of an electric utility and after a hearing, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is in the public interest as set forth in RSA 369-B:1, IX. Any finance order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall, following the effective date of this chapter, be deemed to be authorized by, and adopted and ratified pursuant to, this chapter, provided the commission has made the required finding pursuant to RSA 369-B:3, IV(b).

II. Notwithstanding any law, rule, or regulation to the contrary, except as otherwise provided in RSA 369-B:4, III with respect to RRB property, the finance orders and the RRB charge authorized to be imposed and collected pursuant to such finance orders shall be irrevocable, and the commission shall not have authority either by rescinding, altering, or amending the finance order or otherwise, to directly or indirectly, revalue or revise for ratemaking purposes the RRB costs, or the costs of providing, recovering, financing, or refinancing the RRB costs, determine that such RRB charge is unjust or unreasonable, or in any way reduce or impair the value of RRB property either directly or indirectly by taking such RRB charge (other than any portion of such RRB charge constituting a servicing fee payable to the electric utility) into account when setting other rates for the electric utility; nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement, or termination.

III. Notwithstanding any law, rule, or regulation to the contrary, any requirement under this chapter, under 1999, 289:3, I and II, under RSA 369-A, or under a finance order that the commission take action with respect to the subject matter of a finance order shall be binding upon the commission, and the commission shall have no authority to rescind, alter, or amend that requirement.

IV. The commission shall only issue finance orders that:

(a) Authorize the issuance of no more than \$137,000,000 in rate reduction bonds to finance renegotiated agreements of the existing wholesale power purchase agreements between PSNH and the 6 wood-to-energy facilities and the one trash-to-energy facility; or

(b) Authorize the issuance of no more than \$688,000,000 in rate reduction bonds, exclusive of the amount authorized in subparagraph

(a), as part of a settlement approved by the commission under RSA 374-F to implement electric utility restructuring within the service territory of PSNH. Any finance order that is issued under subparagraph (b) shall contain a finding by the commission that the rate reduction bonds authorized by the finance order are consistent with the approved settlement and that implementing the terms of the approved settlement shall result in the following:

(1)(A) Prior to March 1, 2001, PSNH shall supply transition service in its retail electric service territory. Subsequent to February 28, 2001, any provider of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service;

(B) Transition service for residential customers and small commercial customers that do not have installed demand meters shall be available through February 28, 2003. Through February 28, 2001, the price of transition service for these customers shall be \$0.042 per kilowatt-hour. From March 1, 2001 to February 28, 2002, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From March 1, 2002 to February 28, 2003, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement. At the end of the transition service period, up to 25 percent of the customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers. The commission must find such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be approved by an individual customer;

(C) Transition service for all other customers shall be available through February 28, 2002. Through February 28, 2001, the price of transition service for these customers shall be \$0.042 per kilowatt-hour. From March 1, 2001 to February 28, 2002, the price of transition service for these customers shall be the competitively bid price for transition service;

(D) Any difference between the price of transition service prior to March 1, 2001, and PSNH's actual, prudent and reasonable costs of providing such power shall first be separated between the two groups of customers described in subparagraphs (B) and (C), and then reconciled for that group of customers in the manner prescribed in the original proposed settlement; and

(E) The commission shall retain the authority to reject any or all bids for transition service at its sole discretion if it finds such action to be in the public interest;

(2) No amount shall be securitized which was not listed as part of the \$688,000,000 proposed for securitization in the April 19 order;

(3) Customer savings through reductions of stranded costs shall be not less than the total amount contained in the April 19 order, including the \$367,000,000 contained in the original proposed settlement, the \$6,200,000 resulting from the settlement of issues pertaining to the New Hampshire electric cooperative, and all additional amounts contained in the April 19 order;

(4) In the event that PSNH or its parent company is acquired or otherwise sold or merged, such merger, acquisition, or sale shall be subject to the jurisdiction of the commission under RSA 369, RSA 374, RSA 378 or other relevant provisions of law, and the merger, acquisition, or sale shall be approved only if it is shown to be in the public interest;

(5)(A) The delivery service charge shall be fixed for a period of 30 months from the effective date of the commission-approved settlement, except as provided herein, at \$0.027 per kilowatt-hour for the first year and \$0.028 per kilowatt-hour for months 13 through 30;

(B) In the event of a merger, acquisition or sale of PSNH or its parent company prior to 5 years after the effective date of the commission-approved settlement, the delivery service charge shall be fixed, except as provided herein, at \$0.027 per kilowatt-hour from the effective date of the merger, acquisition or sale until 5 years after the effective date of the commission-approved settlement;

(C) At any time after such a merger, acquisition or sale, the commission has the authority to reduce the delivery service charge, upon petition by other parties or under its own authority, to reflect additional cost savings that result from the merger, acquisition or sale in excess of those assumed to create the rate savings in subparagraph (B);

(D) Beginning 30 months after the effective date of the commission-approved settlement, the commission has the authority to increase this delivery service charge upon petition and demonstration by PSNH that its achieved return on equity for the previous 12 months is less than 5 percent before taxes;

(6) If any rated rate reduction bonds, rated Triple-A by any major bond credit rating specialist, are issued prior to October 31, 2000, with an all-in cost greater than 7.25 percent, PSNH assumes all incremental costs of servicing the bonds resulting from exceeding the 7.25 percent rate;

(7) The total systems benefit charge shall be fixed at \$0.002 per kilowatt-hour for 24 months from the effective date of the commission-approved settlement, divided between low-income assistance and energy efficiency/conservation programs;

(8) All currently existing opportunities shall be continued for retail customers to generate or acquire electricity for their own use, other than through retail electric service, without an exit fee;

(9) Non-discriminatory open access to PSNH's transmission system shall be available to customers, electricity suppliers, marketers, aggregators, and municipal electric utilities, with charges based only on rates set by federal regulations, plus the actual cost of service for any services not subject to federal price regulation;

(10) The stranded cost recovery charge, averaged over all customers, shall not exceed \$0.0340 per kilowatt-hour, and its duration shall not exceed the estimated amount as provided in the April 19 order, except in accordance with the provisions for adjustment contained in the April 19 order. Any changes in the delivery service charge, stranded cost recovery charge, transition service charge, systems benefit charge, or any other charge from those estimated in the April 19 order shall be applied as an equal change in the cost per kilowatt-hour for all customer classes;

(11) There shall be no changes to the April 19 order that have or may have, as determined by the commission in the finance order, an adverse financial impact on ratepayers, unless additional write-offs or other ratepayer benefits are provided, in addition to those provided by the conditions of this subparagraph (b) and by the April 19 order, to adequately compensate for such adverse financial impacts;

(12) The commission may not order changes in the total rates of customers taking service under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000;

(13) During any sale of electricity generation assets required by this settlement, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid for those assets; and

(14) Municipalities which seek to purchase PSNH hydro-electric small-scale electric facilities, as defined in RSA 374-D:1, may, prior to July 1, 2001, petition the commission pursuant to RSA 38:9, prior to holding the vote of qualified voters provided for in RSA 38:3, 38:4, or 38:5, for a determination of the fair market value of the facility in the event that the municipality and PSNH are unable to agree to a price to be paid for the facility. The commission should hire an independent, qualified asset valuation specialist to conduct the asset valuation process. If this option is chosen, all votes required by RSA 38:3, 38:4, or 38:5 must be held prior to the expiration of the time limit required for the ratification vote under RSA 38:13.

V. An affirmative finding by the commission under subparagraph IV(b) that all of the conditions listed under such subparagraph are met shall wholly and permanently satisfy the requirements of that subparagraph and no future challenge to the finding shall in any way lessen such satisfaction.

Amend RSA 369-B:4, VI-VIII as inserted by section 2 of the bill by replacing them with the following:

VI. Prior to January 1, 2001, the commission shall establish charges for retail customers that purchase or otherwise obtain or are supplied back-up, maintenance or standby electricity from an electric utility. Such charges shall be just and reasonable, shall not create a disincentive for retail customers to self-generate or acquire electricity for their own use, and shall not be designed in a manner that creates a charge similar to or has the same effect as an exit fee.

VII. Notwithstanding any statutory or regulatory language to the contrary, end users who generate or acquire electricity for their own use as permitted by existing law and regulation in effect as of January 1, 2000 shall not be subject to an exit fee in whole or in part. An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and or retail electric service a customer might have purchased from or through an electric utility but does not, for any reason. End users who generate electricity for their own use shall include joint users of electricity, including their on site successors and assigns, who are using electricity generated or acquired primarily for their own use at a site owned by one or more of such users.

VIII. In the event of the municipalization of a portion of an electric utility's service territory, the commission shall, in matters over which the Federal Energy Regulatory Commission does not have jurisdiction, or has jurisdiction but chooses to grant jurisdiction to the state, determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from the electric utility and RRB costs, and shall establish an appropriate recovery mechanism for such damages. Any such damages shall be established, and shall be allocated between the RRB charge and other rates and charges, in a just and reasonable manner.

2000-4333s

AMENDED ANALYSIS

This bill permits an electric utility to retain up to 20 percent of the savings from a renegotiation approved by the public utilities commission. It establishes the terms and conditions under which the public utilities commission can issue finance orders authorizing the issuance of rate reduction bonds. The bill also describes how a secured interest in the rate reduction property can be created and perfected.

SENATOR BELOW: This bill is of course a very important piece of legislation. It really represents the culmination of many years of work. Hopefully, if it goes forward and things can be worked out in the end here, the resolution of a problem that has been plaguing New Hampshire for decades, and that is the problem of high electric rates and what to do with...how to resolve that. How to get beyond some of the problems and mistakes of the past. As I was thinking about what I might say while I was driving down here today and looking out at the beautiful spring day that is blooming around us, I was reminded of a spring day much like this 23 years ago, and I thought about what I was doing 23 years ago on May 3, 1977. What I was doing was, I was incarcerated by the state of New Hampshire in the Somersworth National Guard Armory where I spent about two weeks. On April 30, 1977 I was one of a couple thousand citizens of the state and region that walked onto the site of the Seabrook Nuclear Power Plant, and we spent the night there and the next day, Sunday May 1, 1977 the state police came in on buses and told us that we were no longer guests of PSNH and that they wanted us to leave the property and that we would be arrested for criminal trespassing if we didn't. One thousand-four hundred and fourteen of us decided to stay to a deliberate act of civil disobedience in protest over the Seabrook Nuclear Power Plant. We were concerned not only with the risk and dangers in terms of health from the generation of the radiation and radioactive waste materials, but we were also very concerned about the impact of such a massive construction project on the economy of the state, and the fact that so many eggs were being put into one basket, in terms of electric generation. Part of the problem, the real problem that has gotten us today, was a series of decisions by what was really a different company then, by the regulators in the state, by the political and business leaders of the state. What was unusual about what happened in New Hampshire at that time was that a company, a relatively small company in the electric utility business, decided in one single project, to undertake a doubling of their generation capacity and a more than doubling of their investment in physical assets. Seabrook at that time, they were proposing to own half of the two units, over 1000 megawatts of generated capacity, more than they were supplying to the entire state at that time, and they were going to double their equity and double the size of the company. One of the things that bothered me in thinking about that at that time, is that we had a system that was rewarding a huge investment in capital because that is how they made their profit, by getting a return on that huge investment in capital. Well we didn't succeed at that time. The next year I made my first run for elective office, thinking that I would try and change things by running for the legislature. In 1978 I ran for the House and I lost. My major issue was energy policy in the state. Well fast forward, I came back in 1992, and was elected to the House and served six years on the Science, Technology and Energy Committee. Much of it focused on how

to restructure the industry so that we wouldn't repeat the mistakes of the past and how we could get out from under this huge burden of stranded costs. Most of our stranded costs, these are those that contribute to our highest in the nation electric rates, are directly attributable to the investment in Seabrook. A lot of that was written off in the last bankruptcy. The whole second unit was canceled, and none of the costs was recovered by ratepayers. Some of the costs of the existing plant were written off. The question is, is this an autobiography? Yes, it is a little bit, because I feel that I have invested over half of my life in this issue and I am sick and tired of it. So I am just sharing a little bit of that with you, because I really wish that we weren't talking about securitizing some of the remaining stranded costs. I wish that we could just say, "company, you eat it, you made the mistake and the ratepayers should not be stuck with these costs." A lot of people in a sense...it is easy to vote no and say that we are not going to do this to resolve this problem, because this is sticking with something that ratepayers shouldn't have to pay, but we have been paying it, and what this is really about is trying to get beyond that and settle the issues in a way that gets us both to lower rates, and to a restructured industry that is going to keep us from repeating the mistakes of the past and get on with life, and get on with the benefits that will accrue to the economy from getting rid of some of these costs. I have to tell one other story first. Three and a half years ago when Governor Shaheen was first elected to office, we had been working on this restructuring issue, and I got a call from Tom Rath on behalf of PSNH, asking if he could meet with me and subsequently Representative Bradley. I was the ranking Democrat on the House committee at the time and Representative Bradley was the chair. We were asked if we would introduce legislation about securitization? We said "what is that?" and they explained it to us. We thought, "this doesn't sound too good, but we understand that this is going to be the critical element in any settlement". It was kind of funny at the time, because the President of PSNH was there at the table. I told him, "I think that you should know something before I sign on as a sponsor of this, and that is the fact that I was arrested on your property, not once, but I was arrested a second time, trying to stop Seabrook." Tom Rath's comment was "well, you know, it took Nixon to go to China, I guess." Then we reminisced awhile about his roles as attorney general and our role on the other side as the prisoners of the state for two weeks. In any case, so I introduced the securitization bill three and a half years ago in the House, and I am the prime sponsor of it again. What this is really about is resolving this problem and moving ahead and doing it in a way that will be beneficial to the ratepayers, the balance and interest to the state with the legal rights of the company and the investors in the company in a way that is beneficial as possible, from my point of view, to the ratepayers of the state. This has undergone a tremendous scrutiny. The Public Utilities Commission has been working for almost a year in reviewing this. They compared...one of the key things that they were tasked with was benchmarking the likely outcome of a rate case of business as usual, if we reject the settlement and we go forward with conventional ratemaking, what would happen? Their conclusion was that we might see between 7.5-10 percent rate reductions if we don't do the settlement. Then they compared to that with the settlement as filed. They said, "well, the settlement as filed doesn't necessarily produce quite as much benefit as the best plausible outcome of the rate case, so the deal needs to be made better. There

needs to be more value for ratepayers to strike the right balance.” They added some conditions to it. They produced approximately another \$100 million in value for the ratepayers and said that at that point, this is the right balance and in the public’s interest to go ahead. In the meantime, we had the Electric Utility Restructuring Oversight Committee that engaged in some very good consultants, Doctor Richard Silkman, Attorney Buxton. Since late last summer, early last fall, we have been working to review the proposed settlement. In fact, in January, our consultants started comparing the likely outcome of a rate case from their own point of view with the proposed settlement, and they also said that in order to be sure that this is a good deal, there needs to be about \$100 million more in values for ratepayers. There need to be some changes. Those changes were communicated from our point of view, to the commission through Representative Jeb Bradley’s testimony. Curiously enough, the commission ended off with their conditions pretty close to what the oversight committee’s preliminary position was in terms of where we needed to be to make securitization, this legislation, worth doing. I just want to say that in the past couple of days, there have been some testimony at the hearing and there were some arguments that in fact, what we would do under this bill is actually not as good as the best case scenario that the commission considered in their benchmarking, and Doctor Richard Silkman the economist, had not completed the analysis as of last Monday, because it is fairly complex, but he did complete it last night. I have distributed to you, a copy of the table that was prepared by Doctor Silkman for comparison of SB 472 with business as usual, the best case. That is what the commission considered, what was plausible in terms of if everything went in favor of ratepayers, the best likely outcome of a rate case. Doctor Silkman tried to compare it on a true apples to apples basis. Really taking into consideration not just securitization, which he presumed that there was securitization on a comparable basis in a conventional rate case to the settlement. He also considered on an apples to apples basis the system’s benefit charge which is a significant factor, which was not considered in the analysis, which was presented in the public hearing. When he did that the bottom line is that he found that the settlement proceeding under the terms of implicit in SB 472 would produce an average rate over the next 13 years of about 11.16 cents per kilowatt hour. The net present value of that rate is about 7.94 cents. He compared that to the best plausible outcome of a rate case and found that the rates would be slightly higher. That the net present value of the total savings, using a 10 percent discount factor, was about \$53 million. He also took a look, although it is not presented here, what would happen at the lower end of the range. At the lower end of the range, there would be about another \$140 million in net present value to ratepayers. There is also additional value to ratepayers if the settling parties assumption about the value that the generation plants will be sold for comes true. He just counted their assumption that they would sell for \$360 million, and the conventional plants, soon that would only sell for \$300 million. If they sell for \$360 million, that would be yet another \$60 million of values for ratepayers that will be realized as a result of this bill, and the settlement that won’t come about necessarily from the rate case. The best rate case. There are some other points when you consider the rate case. One of the advantages of the settlement is that we have a cap on the interest rate of securitization at 7-1/4 percent. There is certainly no guarantee that that cap would hold under the rate case. The interest rate would

likely be higher because that is where rates are **TAPE INAUDIBLE** and again, there would be less value in the rate case scenario. So the question is, the old adage, "A bird in hand is worth two in the bush." I think that referred to game birds and the fact that if you had one to eat, it is better than two that you can chase. This is the question: Are we better off going ahead knowing that we are going to get these savings with the settlement versus taking the risk that we might do almost as well or significantly worse if we don't pass this legislation, if we reject the settlement that is at hand? So I think that the answer is simple, pretty straight forward. With all of the analysis that has gone on, it is time to move ahead and resolve this issue in the most favorable way we can to ratepayers. It is unrealistic to expect the company, with their fiduciary responsibility to the ratepayers, would go for a deal that would, substantially be worse to them than what they are confident. than the worse case that they realize in the rate case because otherwise they will just say that they will just go to the rate case and fight that one out, because we would be better off. I think that this is about as good as we can do. We are going to set aside the continuing litigation costs and we are going to get to the resolution, we are going to get to a competitive market. I just want to speak briefly about the committee amendment, because a lot of work has gone on to it. It addresses some of what we perceived as legislators, the shortcomings of even the commission order. I think that sometimes there have been comparisons to what the legislators did in 1989 in proving the last resolution of the bankruptcy in which the legislature was brought in, and a special session, essentially to rubber stamp decisions that had been made elsewhere. What is different now is that the legislators have been driving this process for 4-5 years that we have had our own consultants, our own analysis in parallel with the commission. In this legislation we are not rubber stamping it, we are adding a series of conditions that we are saying that need to also be accounted for in order for us to feel confident that this is the best possible deal for ratepayers. One of those conditions addresses the concern about the deferrals. There has been concern that the structure, the original settlement, even the structure of the commission order, which set the transition service price artificially low in early years, and defer some costs, because the costs of supplying that in the market would be higher, and we defer those costs for later recovery. This amendment addresses that. It absolutely minimizes the possibility of deferrals the best that we can with still providing the residential customer, and the small commercial customer, with some reasonable, a ceiling, and some protection from a rate increase should the market go head north and suddenly start to rise steeply. If in fact the competitive market development says that we expect to, as new generation comes on line, there is new gas powered plants, thousands of megawatts that are in development, several in construction and will be completed, and to begin to supply power in the competitive market over the course of the next year. As that starts to occur, there is probably as much chance that we are going to see the market prices start to come down and see some significant increase in savings as if they will go up...but it is sort of anybody's guess at this point. What I am saying is that there is a good possibility of additional savings above and beyond what is shown here, above and beyond the initial 18 percent savings that the customers will see as the competitive market develops. Another concern was the development of a market, and again, transition services have been restructured in this amendment to assure the development of a competitive market lead as

quickly as reasonable. There are a couple ways that can be done. The first six months, transition service will be provided by PSNH with their own resources under the terms of this bill. That helps us avoid any deferrals in the first six months, actually there would be credit built up against reducing stranded costs in that arrangement. That is about how long it will take the company to sell their generation assets anyway. Beyond that six months, for the larger customers, for the 55 percent of the load that has demand meters, they will get transition service at a competitive market price, and then their transition service ends in approximately 1.5 years. At that point, they are in the market. There is something that is called default service which is a short-term market price and they will still have power if they don't make a choice, but they will be in the competitive choice market where there will be a competitive market at the retail level. We will assure that happens. On the small residential side, again, those prices are set close to what the market price may be, and it ends after 2.5 years. So again, that competitive market develops. Another concern that has risen is the special contracts that some of the large customers have. Large customers entered into contracts with PSNH that were approved by the commission, that discounted their rates on the basis that they felt that they could either self generate, relocate, build elsewhere, or switch fuels, and we would lose the load, so they got special contracts that discounted their rates. There was concern that the way that the commission order came out that those contracts may be abrogated, they may actually see a rate increase. Again, the language in the amendment assures that those special contracts will be honored. The stranded costs charge is affirmatively capped in the amendment so that we know that they can't go and increase the stranded cost charge to make up for any loss that might occur to any special contracts. I am going to stop at this point. I have just highlighted a few of the key features of the amendment. As you all know, I could go on for hours on end on this topic, and I would be happy to respond to any questions in as short or as lengthily as you desire.

SENATOR TROMBLY: Senator Below, basically what you are asking the Senate to do **TAPE INAUDIBLE**

SENATOR BELOW: Exactly. From a lawbreaker to a lawmaker.

SENATOR FERNALD: Senator Below, could you explain the process? I mean, if we pass this, it goes to the House, but my question, I guess, is does this require further agreement between PUC and PSNH, or how does this all eventually fit together?

SENATOR BELOW: I think that we feel that we have done pretty good work on this and this bill is in pretty good shape. Although it was only introduced recently, it has been something that we have been working on for several years. It has to go to the House. They will have a public hearing and come out of the Science, Technology and Energy Committee in the House. We expect, Senator King and I, and others, we expect that there will probably be a Committee of Conference. We expect the House to further amend the bill. We expect that we are probably going to need the Committee of Conference to continue to refine it. In that process, I think the company has not said that they would accept the terms of the bill. I think that we will hear from the company, from potential bond underwriters, about language that has to be addressed. We will get to the point where this all comes together or it doesn't, and it will probably be in the Committee of Conference, and whether we accept or reject that.

SENATOR FERNALD: But let's say that we go through a Committee of Conference and we reach agreement in the legislature, are we done, or then do we need too PSNH and the PUC to agree further?

SENATOR BELOW: There is further action. The bill authorizes and enables the PUC to issue finance orders to authorize the refinancing a debt through this securitization technique to lower the costs. They have to make findings that are consistent with the bill and essentially change their order to conform with the bill whatever form that is in. Obviously what we hope to achieve is some understanding between all of the stakeholders that we have something coming out of Committee of Conference or coming out of the House, that everyone can live with. We are not at that point yet, but this is an important step along that way.

SENATOR FERNALD: I have three other questions, but I will be happy to take turns cause I think that other people have questions too, if that seems appropriate. Senator Below, you mentioned stranded costs write-off, and the number in the memorandum, or the understanding was, \$375,000,000 if I remember correctly?

SENATOR BELOW: About that. It was \$357.

SENATOR FERNALD: And then there was, I think that you said, in the April 19 order from the PUC, another \$100 million?

SENATOR BELOW: That is not additional write off. That is additional value to ratepayers combined with the changes in the terms. Some of that may arise from write-off and some of it arises from the timing of when benefits are received by ratepayers. Some of it derives from denying them, or disallowing certain rates of return down the road, but roughly speaking, it is roughly another \$100 million in value for ratepayers compared to the settlement as filed.

SENATOR FERNALD: Do I find that \$100 million in the bill as amended, or as proposed to be amended, or is it in the April 19 order?

SENATOR BELOW: It is in the April 19 order. In the bill it says that that has to be held to except, as modified by the bill.

SENATOR FERNALD: When we are talking about stranded costs, is there an accepted definition of stranded costs that is accepted by the PUC and the company and the legislature, so that when we say that the recovery of stranded costs is going to be 3.4 cents per kilowatt hour, that we know that that is a fixed bunch of costs that is being recovered, and that the company can't come in and say, "oh, this is also a stranded costs or say this isn't a stranded cost, and therefore, this goes into the rate base outside of the 3.4?"

SENATOR BELOW: Yes, as defined at every step of the way. We defined it in RSA 374-F, which was our original restructuring statute from five years ago. We defined it...it was spelled out in the settlement. It is further spelled out in the order. It is further spelled out in the legislation as to what can qualify for recovery under the rate reduction bonds. So when that financing order is issued, that is fixed. And the companies filing in response to the commission order, actually specifies exactly what they proposed to securitize and what they propose to write-off. I should mention that their write-off is on the order of a third of their total equity, which some people say, well the write-off isn't big enough. But the write off really, between the write-off, the disallowances, the value to ratepayers, it is on the order of .5 billion. The write-off itself, which is less than that, is 1/3 of the total equity in the company, so it is no small hit that the company is taking.

SENATOR FERNALD: The Hydro Quebec contract, I think has been defined as a stranded cost. In this summary of points, on Hydro Quebec, it says, "not sold now nor included in part III recover separately as on a pay as you go basis". Does that mean that it is not a stranded cost and it is not within the 3.4?

SENATOR BELOW: It is being dealt with separately. I am not real knowledgeable about this, so I may not be exactly right on this point, but my understanding is that they are pulling it out and treating it separately. The pay as you go **TAPE CHANGE** capacity as used that will mitigate what might otherwise be stranded costs.

SENATOR LARSEN: Senator Below, just a quick question. I have actually been here long enough that I remember when you were in the House arguing securitization in the Senate with some of us. I commend you for all of the work that you have done. The question is, clearly in the beginning when we heard about securitization, we were concerned that it would be a repeat of the 1989 agreement that locked us in fact, to a higher cost, and it was hard to predict at that point. We hired Doctor Silkman to review this as our consultant. His recommendation was in fact, that there are in fact, significant savings. Is that correct?

SENATOR BELOW: Yes, both Doctor Silkman and Attorney Buckston did conclude and recommended that the settlement, as modified, in our amendment and in our Senate bill was in balance favorable to ratepayers. And considering that litigation risks were a better course of action than rejecting it. A very important distinction is that we are not locking ourselves into higher rates. We are saving our path to lower rates. Now the extent that this graph shows some rising rates, that is all almost entirely due to assuming the market price goes up instead of down. If the market price actually trends down, which is a distinct possibility, these rates will trend down too. The other thing is that we are not creating deferrals. One of the problems with the 1989 agreement is that there were huge deferrals that were created that were part of the stranded costs today. That is not going to happen in this version. Finally, there is one other key point. In the 1989 agreement, ratepayers, through deferrals and otherwise, bore much or most of the risks of assumptions about what **TAPE INAUDIBLE** for instance. It was assumed that there would be increased consumption of electricity, and then that turned out to be lower than what was expected, that ended up in more deferrals, more costs for ratepayers to have to recover later on. The opposite is true in this bill. There is a risk-sharing mechanism so that if we see a loss of load, if people even with 15 to 20 percent of reduction risks, if loads start to decrease in New Hampshire, even if the price is cut and people switch, there is new technology, they self generate, the company bears much of that risk of future additional write-off. That is through a mechanism called the Group III Stranded Costs and the Recovery innate. The stranded costs charge at 3.4 cents, of that, only about a little more than a penny is relative to these rate reduction bonds. If the company, if they lose load, instead of raising that cost that the ratepayers have to pay for the rate reduction bonds, they take it out of the other 2.4 cents of stranded costs. As that is taken out of that, the rest of that stranded cost charge, or at least part of that, what happens is we have come to a point in time about eight years out...and if they haven't recovered these group III stranded costs, then they have to write-off the balance. So we have shifted the risk of some of the assumptions being wrong of loss of load from the ratepayers onto the company. So that is another major difference from the 1989 deal.

SENATOR LARSEN: On the chart showing in the ninth year...the rate in fact will go up, that is offset by the write-off? You had said earlier that that in fact was a worst case scenario.

SENATOR BELOW: Yes.

SENATOR LARSEN: Can you explain why you think that it won't be that kind of experience in the ninth year?

SENATOR BELOW: What this graph shows is that in the ninth year, the rates going down dramatically, and then coming back up in the tenth year. I don't think that is what would happen, because the commission would flatten that out. What that illustrates though is the lack of deferrals. Let me just draw you a real quick picture. If you look at the yellow line, this is what happened to the settlement as filed. The rates just kept going up and then they dropped because that is the recovery end date in which a lot of the stranded costs go away. Then they go down again at year 13 because we are done...well we are kind of out of this completely. We are back to sort of reachable average in rates. Almost all of the stranded costs are gone by the year 13 when the bonds are paid off. What happened under the original settlement because of the deferrals that kept going back up, because this is structured to avoid deferrals, this would dip way down, because of the lack of deferrals when the structure of the original settlement allowed for the recovery in the time period. What would really happen, I think, is that the commission would flatten this out and we wouldn't see a down up, it would be smoothed out and we would see more of a down on the other years.

SENATOR F. KING: Madame President, I am a great collector of clippings. I don't know what I will do with them, probably burn them shortly, but this is one that came out of the Concord Monitor, April 17, 1996 over four years ago. It says, "Senate approves electric competition, House and Governor expected to follow suit." It goes on to say that "the legislation has been in the works for a year" so that is more than five years. "its chief aim is to lower electricity prices through competition and if possible, without delays due to lawsuits by utilities, or how much of their old investments they can continue to collect in rates." We didn't know that that was stranded costs then, we just thought that they were going to collect their old costs. Their old investments. I thought what was interesting...this is probably the first time that I got mentioned in the newspaper, so that is probably why I saved it, but it says, "Senator Fred King agreed, saying that this is probably not the last time the citizens of New Hampshire will have to deal with this issue." So I just want to let you know that that was a pretty accurate prediction. I would suggest that today we need to put this to rest. Five years of intense negotiations, it is now time to bring this to closure. This bill starts that process. Starts to end that process really. I would hope that everyone would get all of their questions answered today, cause this is a very difficult issue, and then we need to vote and send it to the House. They need to get it out of the House. We need to get it to a Committee of Conference and then we have to see if Public Service is going to accept our deal. You can't force this any faster than the legislature can do its work. So this is a bill like any other bill, but it is probably one of the most important bills that we will ever have. Thank you.

SENATOR FERNALD: Senator Below, the sale of PSNH's generating capacity, is that required by this bill or by existing law or by the April 19 agreement, or where does that come into the process?

SENATOR BELOW: It was a condition of the settlement. The commission order affirmed that condition and it is affirmed in the bill. It is a requirement of the bill. That they divest. Also, in our Senate amendment, provided that not only the company and its affiliates, but any company that announced a merger acquisition, and its affiliates cannot bid on that sale. So CON-ED won't be able to bid on the sale of those generation assets.

SENATOR FERNALD: Senator Below, the transition service section of the bill says that if we...when we get to the competitive bid stage, it says that if the bid is higher than the rate set in here, then the excess will be reconciled among those customers who are taking transition service. Is that a deferred charge or is that something else?

SENATOR BELOW: That potentially would be a deferral.

SENATOR FERNALD: But only to the customers who are in transition rather than selecting their own?

SENATOR BELOW: No, I don't think that it is in that group. Where are you reading from exactly?

SENATOR FERNALD: I am on page five of the amendment, line 16 or so.

SENATOR BELOW: Oh, you are looking at the amendment proper. It is 1, a, b, IV a, b sort of...is that right? That is on page five of today's calendar in the lower third of the page. It says, "reconciled for these customers." This is where the groups are split into two groups. B refers to residential small commercial customers who do not have installed demand meters. In their case, there is a cap on the transition service price. There are 4.2 cents for the first six months. We know that PSNH can supply it for less than that, so we actually develop a credit in the first six months. Then it goes...the cap is 4.4 and then the cap is 4.6. Our consultants recommended about 4.5 and 4.6 as levels that shouldn't create deferrals, because that is roughly a reasonable expectation of what market price might be. Granite State for instance, recently acquired default service in Massachusetts right out in New Hampshire, for 4.4 cents at retail price, is what that translates to. To the extent that it comes in higher than that, there is some credit that would offset that initially from the first six months and then beyond that, that would create a deferral. So there is the risk of some deferral. It is a small risk and we have tried to minimize it. The risk does not exist for the majority of the load under paragraph C because they will simply get...there will be a credit in the first six months and then they will get transition service at whatever the competitive price is.

SENATOR FERNALD: During the transition period are people allowed to choose their producer?

SENATOR BELOW: Yes. All of these dates extend from what is called C-Date or Competition Date or the effective date of the settlement. Those are all terms that are used that would be sometimes between July 1 when it was supposed to occur. It is unlikely to occur that quickly, but it should occur, hopefully, by the end of summer or by fall sometime. That would be the point at which customers are free to choose a competitive generation supplier who is going to be responsible for matching their load on the system.

SENATOR ROBERGE: Senator Below, is there under any scenario in this bill, is there a case where the resident ratepayers would be paying more than the business ratepayers?

SENATOR BELOW: Well they pay more now. So that will probably continue to some extent. It is true sort of in both directions. If the market price goes up, the transition service and the competitive market price could be higher for the larger customers; however, the small customers, in that scenario, there would be something of a deferral created somewhere down the road. So they would end up paying eventually at some point or another. To the extent, there is a big question about as the market develops the competitive generation supply, how much it is going to be the same for small customers versus big customers. The cost to generate is the same regardless of whether you are small or big. There is a difference in terms of the cost for billing or for marketing to small customers. So there might be a little bit of a price differential there. In some sense, that regulative market opportunity is reflected in how the initial rates are structured. The distribution, the rate design of the stranded cost charge. Because in fact, if you have looked at the executive summary of the order, or the order itself, what you would see is that the largest customers, actually it is described on this little comparative handout. The largest customers only would be getting about a 15 or 16 percent initial rate cut, and the residential would be getting more in the 18 and 19 percent range of a rate cut. But when you take into consideration relative market opportunities, people should end up with comparable percentage reductions, maybe.

SENATOR D'ALLESANDRO: I want to be very brief. I commend Senator King, Senator Below for really the outstanding work that they have done. They have spent a great deal of time and effort on this proposal. I think the great difference between what's happening now and what happened in 1989 is the open discussion. We now understand what deferrals are. We have a better understanding of securitization. We have a better understanding of stranded costs. We have a better understanding of transition fees. We had open hearings with experts who brought us up to speed on what they perceive where this settlement should be going. There is one common interest that we all have. That is lower electric rates for both the businesses and individuals in the state of New Hampshire. We are in a position to do that. It has been a lengthy process, but it has been an open process, and a process that took a great deal of testimony and had a great deal of deliberation. I think that that is an important ingredient. In 1989 that wasn't done. We had neither the benefits of open discussion, nor the benefits of real good information on the part of the legislature. At this point in time, the legislature is an active player in this process and the process should move forward. I think the work that has been done is commendable. We are moving on the right path and the right path is substantial rate reductions for our consumers, and that is a very, very specific ingredient if New Hampshire is to remain economically viable in the future. Thank you.

SENATOR GORDON: Very briefly. I want to start out again, by doing the same as others have done and that is commending Senator Below and Senator King in particular for the work that they have done on this particular bill, and the work that they have done in general over the last two or three years. I probably launch my comments on Senator King's comments. I think the only difference between Senator King and I is that I don't believe that this bill necessarily puts the issue to rest, and that I believe that his comments of five years ago continue to apply. That is, that is probably not the last time that we are going to hear of this issue. My concern...I have been on this teeter-totter the last couple of days in trying to figure out what to do with this bill, because I certainly want

to see my constituents benefit from lower rates. On the other hand, I want to cut the best possible deal we can to make sure that the timing is right to do that. I guess that is the issue. I guess what I have come down to is...I remember when the deal was first announced with the governor several months ago, right after that, when we were all particularly encouraged...I received a visit from Bill Frank from PSNH. He sat down and basically he said, "the key to this whole thing is securitization. You have to vote for securitization in order to make this thing happen." I believe that that was true and is true today. Of course today is the day. But when I sat with Bill, I believe that there was a deal at the time. As I stand here today, my concern is that I am voting for securitization, but at this point in time, there is no deal. That there are no two parties who have a common mind. That concerns me. Because what I am doing in essence is giving a power of attorney. What I am saying is that for purposes of this, I have decided that we will have securitization, and I am going to give power of attorney to a group of people who sit in a Committee of Conference to decide what this ought to look like. I guess what I have concluded is that I agree with Cliff Below and I agree with Fred King, that the contents of this bill are probably acceptable to me. I agree with Senator D'Allesandro in saying that I think that we should make an independent decision today, based on this bill and not look at history. But in terms of the timing, it is like every other important bill that we have. We have a hearing on Monday and we vote on Wednesday. Probably the most important bill that I have voted on in the six years that I have been here in terms of its financial impact on the people of the state of New Hampshire. My sense is that we ought to come to some type of agreement with PSNH before we commit to give them the one thing that they want most, which is securitization. So I am going to vote against the bill today.

Recess.

Senator Cohen in the Chair.

SENATOR HOLLINGWORTH: I won't go into my background as much as Senator Below did, but I have to tell you...that I didn't see you there, Cliff. Yes, I was there. It was what brought me here to Concord. Why I served ten years in the House and why I have served eight years in the Senate. I ran because of Seabrook. There were other things along the way that I have been involved in. Most of my legislation over the years has been involved in the Seabrook issue, if you look over the bills that I have sponsored and the fights that I have had. Today I am proud of the Senate. I am proud of the Governor's team. I am proud of the PUC. It is totally different from when I stood in the House in 1998. I couldn't find out what was going on. There were definitely deals. I had a hard time finding out what was happening and what was going on. I can guarantee you, Senator Gordon, that this bill, while we are passing it today, that it is going to have full review of the Senate. That it will have an open process in the Committee of Conference, and it will come back before this Senate for its approval. You will not be giving a power of attorney to a Committee of Conference. You will in fact be having a vote on this issue in the event that it does go to a Committee of Conference. I would probably agree that, that is more than likely to happen. I am very proud of the work that this Senate has done. Senator Johnson, Fraser, Disnard, John King, Fred King, Senator Below, they have put in tremendous hours. They have worked extremely hard to bring this bill to us today. I can only tell you that they have tried to represent what didn't happen in the 1998 session to the ratepayers of the state of New Hampshire.

Unfortunately, in the other deal, it was for the stockholders. This deal is to bring reduced rates to the people of this state. I am very proud of them. Again, I thank you. My heartfelt gratitude to you. I hope that we will pass this with a large number. I think that it is important. The House is looking to us for a direction and we will again...it will have an open process as we move through the process, and you will have every opportunity to know what is going on. Again, I thank you.

Recess.

Senator Hollingworth in the Chair.

Question is on the adoption of the committee amendment.

A roll call was requested by Senator Fraser.

Seconded by Senator McCarley.

The following Senators voted Yes: F. King, Johnson, Fraser, Below, McCarley, Trombly, Disnard, Eaton, Fernald, Squires, Francoeur, Larsen, Krueger, Brown, J. King, Russman, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Gordon, Roberge.

Yeas: 21 - Nays: 2

Senator Pignatelli (Rule #42).

Amendment adopted.

Ordered to third reading.

Recess.

Senator Cohen in the Chair.

SUSPENSION OF THE RULES

Senator Trombly move that Senate Rule #22A be suspended as to allow for **SB 466** to be before the body without a committee recommendation.

Adopted by the necessary 2/3 vote.

SB 466, relative to lot rent increases at manufactured housing parks. Public Affairs Committee. No recommendation.

Senator Trombly moved ought to pass.

Recess.

Senator Cohen in the Chair.

SENATOR HOLLINGWORTH: This is very difficult for me because as the President of the Senate, I have tried to represent the Senate's position and tried to find common ground. So for me to be here speaking today on this, I have to tell you, that I am a little emotional on this right now. I know that some of you are trying very hard to protect me. You do not want to see me embarrassed by a defeat of this vote, and I thank you for that consideration. I have to tell you something. This bill is a bill that has been a long time coming. We just passed a bill...it has been five-years, well 11 years, that people in mobile home parks, well residents of mobile home parks, have been fighting for this bill and they have tried everything. We have bent over backwards to try to negotiate and work, year after year, time after time. I worked...two years ago I said that I was going to try to find a solution to this problem that people in my district, and in the state, elderly people, people who we all care about...our mothers, our sisters, our brothers, our grandparents, people who are on lim-

ited income and who need help, they are out there. They have been asking for a long time for help. I tried. I went to the park in my district. I sat down with the owner. I went with one of the lobbyists who is here today, who has worked very hard to have this bill defeated, and said, 'can't we do something?' I waited two years. We worked and couldn't get it. We could not possibly get any support. That lobbyists told me that that mobile home owner is such a bad guy that the mobile home owners association won't even allow him to belong to the association. But anyway, this bill has been misrepresented and misunderstood to say the very least. This bill has probably been worked harder, lobbied against harder, by more people and more lobbyists than I can even begin to tell you. I am not saying anything negative against lobbyists. Most part of the time, they help us determine what is right and what is their side of the story and what is not. In this case, they have been putting all kinds of red herrings forward. They are saying that this is the camel's nose under the tent. That this is rent control. Now all of you have had pieces of legislation. Every one of you have had pieces of legislation in this body and we have had that same comment. It is the camel's nose under the tent. Gun bills, healthcare bills, insurance bills, or any kind of things, any numbers of them. And that that is where we are going to take and allow rent control to happen. Well I have to tell you something. I have been in business for 30 years...I am lying, I have been in business for 40 years. I can't believe it. I was the President of the Chamber of Commerce, I own rental property. I own a motel. What these lobbyists are saying is that this bill will mean that motel owners can't go up on their rates. This bill will mean that apartment houses can't go up in the rates. This bill means that everyone is going to have rent control. I had the guy from Manchester. I think it was Senator D'Allesandro or John King's constituent. He stood up and called me a communist and he turned around and he looked at Representative Jackie Weatherspoon and I, who were sitting together on the bench, and he called us racists. I still haven't figured that one out, but I am sure that there was something, and I am not quite sure what it had to do with this bill. But, they, again, claim that this was rent control. The legislature would have to act on rent control. This bill, in no way talks about anything to do with apartment houses, hotels or any of the other things. It has purely and simply to do with mobile home owners **TAPE CHANGE** is deceitful. There is overwhelming evidence that rent control has not only failed to solve problems, but actually compound problems in other rental markets and we know that. That is why I would never support one. But manufactured housing parks are not like other rental markets, residents own their homes, but not the land that they stand on. They pay taxes on both. They pay taxes on the home that they own, and they pay taxes on the property that their house sits on, even though they don't own it. They cannot move without great expense, since they must move their home as well as their belongings. In fact, we heard at the hearing that one out of one thousand actually moves their home from the park. They may sell their home in the park, but they don't actually get their home removed. Residents of manufactured housing cannot depend on a market force to set just rents. Instead, they must depend on the goodwill of the park owners. Every 90 days those park owners can go up on their rent. Now the vast majority of them wouldn't do that and don't do that. Fortunately, as I said, the vast majority are fair and honorable. They have not taken advantage of residents by imposing outrageous rents. No reasonable park owner has anything to fear from SB 466. The bill simply seeks to ensure that all park owners treat their residents as most park owners always

have. Most of you know those park owners. I have them in my district, they have supported my election year after year. These are good people who care about their tenants and try to treat them fairly. What we are seeing happen here in New Hampshire is something new. We are seeing people come into New Hampshire because New Hampshire is the only state in the area now, that doesn't have some protection from home residents of mobile home parks. They can no longer go into Massachusetts, they can't go into Maine, they can't go into Vermont, they can't go into Rhode Island, so those people who are trying to take and buy land and put it to the land owners are coming into New Hampshire, because this is an open market for them. They are coming in from Japan and Canada and they are purchasing this land, and then they are socking it to the tenants. Now who are the tenants? You know them if you were at the hearing. They filled the gallery in the House. They are elderly. They are the ones that are having a hard time sustaining themselves on what they have today. You know them. You know them as your constituents. They are the ones that are paying high costs for prescription drugs. Some of them are paying 40 percent on their rents, and then on top of that, they are paying for water, lights, food, prescription drugs, and health care, yet we can't do anything to help them? I can't understand why we can't help them. Current law provides park owners to provide written explanation of any proposed rent increases; but specifically forbids the Board of Manufactured Housing from considering issues associated with that rent increase. Now some have argued...and is another red herring as far as I am concerned, they have argued that the board can't handle it. Well you know what? This is a state that has a big budget. This amendment that I have, it proposes that state agencies assist those mobile home...manufactured home board to take and help determine what is egregious rent increases. The bill calls for excessive rent increases that are indefensible. After you have all of those charges and your profit...whatever you want to take in profit that is fair and reasonable. The board, who is made up of a lot of manufactured housing park owners. The board consists of two public members appointed by the governor. One of those appointed by the governor happens to be the public member, testified at the hearing, says that he owns a park. B. One member appointed by the governor from a list of two persons nominated by the New Hampshire Manufactured Housing Association. Another park owner. One member appointed by the governor from a list of two, nominated by the New England Manufactured Housing Association. Three, one member appointed by the governor from a list of two persons nominated by the Mobile Manufactured Housing and Tenants Association. That is one. One member appointed by the governor who is a resident of manufactured housing, who is not a member of the Mobile Home Manufactured Housing Owners and Tenants Association. One member of the bar. Two members of the House of Representatives. One of those members happens to be a cosponsor of this bill because he sat and listened to what was happening, and said that something has to be done. He and I decided to sponsor this bill after we tried in every other way to solve the problem. The bill provides for 30 days to receive a notice of a lot rent increase by a majority of the residents. A majority of the residents. Now if you know any of the people that live in mobile home parks, they usually are elderly. They are the last people in the world who want to take and go out and stir up a problem. They are frightened to death to cause a problem. They are frightened that if they go and say anything that their rents are going to go up, or somebody is going to evict them from the park. I have met them, I know how frightened they are. They are

frightened to put a for sale sign in their window. When they want to campaign for you at campaign time, they can't put your sign up in the park. They are petrified. They don't want to rock the boat. You know them. Senate Bill 466 establishes a process for determining that proposed rent increases are excessive. That is the word "excessive". It defines excessive rent increases as one that is indefensible after taking into account the total operating expenses, including debt service on the park and a reasonable return of investment or profit in the park. A park owner can go up 50, 60, 70, 100 percent, and those would not be declared excessive unless the Manufactured Housing Board determined that it is indefensible. The bill simply prevents park owners from requiring residents to subsidize other commercial ventures from which they get no benefit by paying excessive unlawful rents. The original bill has been amended to address legitimate issues rising out of the public hearing. I am sorry that this bill was not able to...I will pass this out because I couldn't pass these out before. The amendment contains...it has a floor amendment that includes seven changes to the original bill. The confidentiality of financial records presented to the board to facilitate a rent review will be protected. Now at the hearing, people were worried about confidentiality. We have addressed that. The IRS requires you to have at least three years of your records. The reason that you want to have your information is so that you can say that these are legitimate increases, and to be able to defend that. The Board of Manufactured Housing will be entitled to assistance from the state agencies to conduct rent reviews. In Rhode Island, where this bill was enacted, they have only had one case. So we are not going to see this tremendous case load coming down on us. Park owners will be entitled to recover reasonable expenses incurred in the course of a rent review, including legal costs and lot rents. The park owners who prevail in a rent review would be entitled to collect the increase in rent retroactively for the period in which rent was under review. Lots subject to leases of five years or more, which include provisions for regular increases in lot rents will be exempt from review. The parks with ten lots or less will be exempt from the bill. Finally, the bill would become effective upon passage in order not to invite excessive rent increases before it becomes effective. The people are concerned. They have had lot owners call them already and tell them...it was very risky for them to want this bill to come forward, and very risky for them to come and sit in the House over there and to sign up in opposition to this bill. It is very hard for them because they are frightened to death. At the hearing, we heard that Rhode Island has similar legislation. In 1988 they passed it and they are now only dealing with the first challenge, this year. The first challenge since 1988. I think that by entitling park owners to recover the expenses of responding to a challenge in lot rents, the bill includes the disincentive against frivolous challenges. Moreover, just as I believe most park owners are honorable and reasonable, I believe that most park residents are. I do not think that legitimate increases in lot rents will be challenged. This bill would protect the most vulnerable people, a group of renters in the state, many of them elderly, and many of them living on fixed incomes and many of modest means. These people, if they can't keep their homes, will become our homeless, they will become the people in our county homes. I hope that you can support this. I understand that it is difficult for some of you. I think that it is a good consumer piece of legislation. These people are consumers and unfortunately, they have no choice.

Adopted.

Senator Roberge moved interim study.

A roll call was requested by Senator Hollingworth.

Seconded by Senator Disnard.

The following Senators voted Yes: F. King, Johnson, Fraser, Below, McCarley, Trombly, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Krueger, Brown, Russman, D'Allesandro, Wheeler, Klemm.

The following Senators voted No: Disnard, Larsen, J. King, Hollingworth, Cohen.

Yeas: 18 - Nays: 5

Senator Gordon (Rule #42).

The motion of interim study is adopted.

SB 466 is referred to Interim Study.

SB 465-FN-L, relative to the definition of "sugar orchard" for purposes of the timber yield tax. Ways and Means Committee. Vote 6-0. Ought to pass with amendment, Senator Below for the committee.

2000-4274s

09/01

Amendment to SB 465-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. It is the intent of the general court that the enactment of a definition of the term "sugar orchard," pursuant to section 2 of this act, should not cause the current use board to classify sugar orchards as other than forest land.

2 New Paragraph; Definition; Sugar Orchard. Amend RSA 79:1 by inserting after paragraph VII the following new paragraph:

VIII. "Sugar orchard" means a stand of Sugar Maple (*Acer saccharum*) and/or Red Maple (*Acer rubrum*) used primarily as a source of sap for the production of maple syrup or related maple products. Such stands shall have clearly established boundaries, and a defined area. In the stand, 50 percent or more of the average basal area of all live trees 2 inches or greater diameter at breast height (dbh) shall be composed of Sugar Maples and/or Red Maples. The area and boundaries of a sugar orchard shall be certified by a licensed forester.

3 Effective Date. This act shall take effect 60 days after its passage.

SENATOR BELOW: Senate Bill 465 defines the term "sugar orchard" when the legislature enacted RSA 79. The timber tax did not provide a definition of "sugar orchard" although it did exempt the harvesting of wood in a sugar orchard or sugar orchards from the timber tax. As a result, the Department of Revenue Administration has come up with a definition which is very narrow, limited to only trees that have been tapped. The bill would provide a definition of "sugar orchard" which is supported by the Maple Growers Association. It is a stand of maples that is used primarily for the use of sap for the production of maple syrup, or maple related products where 50 percent or more of the trees are sugar maples or red maples. The area in the boundaries of a sugar orchard would be certified by a licensed forester. The Senate Ways and Means Committee recommends SB 465 as amended ought to pass.

Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Johnson moved to have **SB 457**, relative to ownership of certified public accounting firms, taken off the table.

Adopted.

SB 457, relative to ownership of certified public accounting firms.

SENATOR JOHNSON: To refresh your memory, relative to ownership of certified public accounting firms, SB 457 is enabling legislation which permits a CPA firm to increase its non CPA ownership if it believes such a decision to be in the best interest of its business, while ensuring that the CPA firm continues to be regulated by the New Hampshire Board of Accountancy under its strong practice and ethical rules. The bill permits that non CPA ownership to be up to, but not more than 49 percent. So any accounting firm in New Hampshire shall have a majority of its ownership in the hands of licensed CPA's. Any decision by a CPA firm to move in this direction is made of the owners own volition and in all likelihood, a negotiated business decision. The primary reason why this measure is being enacted across the country, is that CPA firms have been required to obtain the services of non CPA experts in various fields in order to provide their clients the services that they need. This standard is particularly important for small firms. It permits the firm to furnish the expertise today that firms may not be able to offer. With Maine next door at the 51/49 standard, and this issue being considered in other New England states, New Hampshire firms could be placed at a disadvantage if the current super majority is maintained. Any CPA or PA firm may include nonlicensee owners provided that all nonlicensee owners are active individual participants in the CPA or PA firm, or affiliated entities. Current law regulates this profession with a very high and definitive set of standards for an ethical practice in New Hampshire. As such, there is no reason to believe that the passage of this bill would lead New Hampshire's accounting profession down an unethical path. Legislatures across the country are endorsing this 51/49 standard. This issue was studied and debated by regulators for several years before being recommended for legislation in 1998. Now nearly one half the states have endorsed the 51/49 standard, including two states this year, New Mexico and Florida, to change their ratios from a super majority level to the simple majority this bill seeks today. I would ask for support of a motion of ought to pass. Thank you.

SENATOR LARSEN: I know that this is coming late in the day. I also know that this bill has been many times discussed with probably everybody in this room. I do have real concerns and continue to have real concerns. I think that our own state Board of Accountancy has concerns about the change, as they wrote to us and told us in the Senate ED & A Committee. It was only last September that the governor signed into effect, HB 626, which changed the ownership relating to CPA firms to 66 percent. That change just happened. Now there seems to be a rush that we now have to reduce it to 49 percent. I believe that we are here often enough, we will be in session again next year. I don't think that there is a rush to change this. I believe that the smaller CPA's who have told us that they are concerned that small CPA's will in fact, be threatened by larger firms coming to this state and trying to take over, what are in essence the small businesses of this state. I continue to have those concerns and I think that if we are wrong, we can fix it next year. I will be voting no and I invite all of you to join me.

SENATOR FERNALD: Senator Larsen, what is the policy argument between 33 percent and 49 percent?

SENATOR LARSEN: It is 66 percent ownership under current law. The policy is that if you have an onsite and licensed CPA with majority ownership in a CPA firm, you have someone who is more regulated and more likely to be following the rules and policies of financial procedures than someone who comes in and is a non CPA and an owner. The more CPA ownership in a firm, it was argued to us, results in a great likelihood that there will be fewer conflicts of interest and more of the standards followed. Obviously, if you went to 49 percent, the state board could pull that firm in and hold them accountable. I believe that we need to have a strong ownership of CPAs at this point. I think that over time if it is proven to us that some of the other states who have just gone into this 49 percent arrangement, we can watch the other states. I don't think that there is any great need to rush into this change this year.

Question is on the committee report of ought to pass.

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Fernald moved to have **HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

Adopted.

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

SENATOR FERNALD: I had asked a question about this bill last session. The question was whether it was an amendment to an existing RSA or of the session law? There was a question of whether it would have a future affect, which means that it should be in the statute books. Further investigation of what we found is that all of the counties have already done this election to transfer people from group one to group two, so that there are no additional people who are going to become eligible for this. We know exactly who these people are, therefore, this is appropriately a session law, rather than into the RSA's, and it is set up correctly. I have no further questions in regard to this bill.

Question is on the committee report of ought to pass.

Adopted.

Ordered to third reading.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time.

Adopted.

LATE SESSION ANNOUNCEMENTS

SENATOR F. KING (RULE #44) : Madame President, this is the time of year legislators decide what their future plans are going to be. Yesterday I mailed a letter in my district to my friends and to my supporters, and since I consider you all to be my friends, I would like to let you know what was in that letter. Essentially in that letter was a statement that I will not be seeking reelection in 2000. In June, I would have been out of college for 50 years, and I have had a job every day for 50 years. All of the jobs have been fun. People are going to say to me and to you, how come Senator King is not running? I have to tell you that I am not running because it is no longer fun. I am going back home and do something that is fun. I thank you for all of the courtesy that you have given me, and I wish you all well in January.

MOTION OF RECONSIDERATION

Senator Larsen having voted on the prevailing side, moved reconsideration on **SB 431**, relative to certain secondary vocational education programs, whereby we concurred with the House amendment.

Adopted.

SB 431, relative to certain secondary vocational education programs.

Senator Larsen moved to nonconcur and requests a Committee of Conference.

SENATOR LARSEN: This Senate bill started out as a simple bill which was to allow for the high school vocation programs to be included in the unified plan as part of the Carl Perkins Education Act. It was required that we make legislative action to include the high school programs in our unified plan for workforce development. As the bill went to the House, they started to add additional members and requirements which will slow what is already a large workforce group down. They have added quite a few members. We didn't have time to discuss it last Thursday. I believe that it is important to discuss the addition of that membership, and to take that to the Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Larsen, McCarley, Gordon

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of introducing legislation, referring bills to committee and scheduling hearings, House messages, enrolled bills and amendments and that when we adjourn we adjourn to Thursday, May 11, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 457, relative to ownership of certified public accounting firms.

SB 465-FN-L, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

SB 472, relative to final authorization of electric rate reduction financing and commission action.

HB 1560-FN, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

In recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

INTRODUCTION OF HOUSE BILL

Senator Cohen offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 2000 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. **Transportation 2000-4380-EBA**

03/01

Enrolled Bill Amendment to HB 1102

The Committee on Enrolled Bills to which was referred HB 1102

AN ACT relative to accessibility of veterans' disability payments in divorce cases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1102

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1102

Amend RSA 458:19, IV(e) as inserted by section 3 of the bill by replacing line 2 with the following:

unearned income and social security disability payments of a spouse of the obligor party shall not

Senator Trombly moved adoption.

Adopted.

2000-4386-EBA

08/10

Enrolled Bill Amendment to HB 427

The Committee on Enrolled Bills to which was referred HB 427

AN ACT relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 427

This enrolled bill amendment corrects the effective date of the bill.

Enrolled Bill Amendment to HB 427

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 2001.

Senator Trombly moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 235-FN-A, increasing exemptions under the interest and dividends tax.

HB 312, relative to the carrying of firearms in courthouses.

HB 522, relative to the public's access to sex offender registry information.

HB 1242, relative to the standard for modification of a child custody order.

HB 1559-FN, establishing a committee to study the organization and functions of the New Hampshire state port authority.

2000-4329-EBA

08/09

Enrolled Bill Amendment to HB 1244

The Committee on Enrolled Bills to which was referred HB 1244

AN ACT relative to the use of certain needle technology.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1244

This enrolled bill amendment rennumbers RSA sections inserted by the bill, contingent upon the enactment of 2000, SB 402-FN.

Enrolled Bill Amendment to HB 1244

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingency. If SB 402-FN of the 2000 legislative session becomes law, then RSA 275:57-59 as inserted by section 2 of this act shall be renumbered as RSA 275:58-60.

Senator Trombly moved adoption.

Adopted.

2000-4342-EBA

03/09

Enrolled Bill Amendment to HB 1195

The Committee on Enrolled Bills to which was referred HB 1195

AN ACT making technical changes to the law regulating acupuncture.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1195

This enrolled bill amendment inserts missing RSA language in the bill.

Enrolled Bill Amendment to HB 1195

Amend section 6 of the bill by replacing line 9 with the following: training and fundamental sciences and that conform to [NCCA] *NCCAOM* standards. In addition, all applicants who have

Senator Trombly moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and /or Senate Bills:

HB 1156, establishing June 20th each year as Destroyer Escort Day.

HB 1200, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

HB 1357, relative to the sale of state-owned property in the towns of Belmont and Laconia.

HB 1404, creating a study committee to address mechanisms for the preservation or disposal of state records.

HB 1483, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

SB 170, establishing a parents as Teachers program in Sullivan country and making an appropriation therefor.

SB 320, relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000; and relative to ratifying the Plainfield school district annual meeting held on March 10, 2000.

Senator D'Allesandro moved adoption.

Adopted.

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Thursday, May 11, 2000 at 10:00 a.m.

Adopted.

Adjournment.

May 11, 2000

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by Father David P. Jones, Senate Chaplain.

Good morning! Isn't it wonderful to have little children in this old chamber. As Senator Hollingworth reminded me a few weeks ago, the word "Senator" means "old men or old women" from its Latin root. It occurs

to me that you are stewards of old things and new things. It is your job to take old ideas, which are frequently good, but with them to craft new possibilities, to take old hopes and use them in a way that releases new opportunities, and old memories which are part of which you cannot miss when you come into this room and frame them in ways that open new avenues for us to travel together as the people of this state. So as you make your decisions about how to vote on whatever it is, realize that you are stewardship over old things and new things and the effect that it will have on those little children back there and all of the other ones just like them. Let us pray:

Gracious God, You make all things new. Take the old values that we cherish and carry within our hearts and transform them by the gentle grace of Your presence and by the kindness and attentiveness of those we serve into things that open possibilities beyond our wildest imaginings. This day, next week, and on into the future sessions of our lives. Amen.

Senator Cohen led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Scanlan
Leighton Pratt
David Babson
Jay Phinizy

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Senate Bill sent down from the Senate:

SB 418, relative to liquor liability insurance coverage.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 305, relative to payments to defeat eviction for nonpayment of rent.

SB 340, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting.

SB 344, relative to appointment of housing consumers to housing authority boards.

SB 350, adding business development to the law governing industrial development authorities.

SB 351, making certain changes in the laws relative to fraternal benefit societies and health service corporations.

SB 386-FN-L, relative to names on birth certificates and affidavits of paternity.

SB 452, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses.

SB 454, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 219-FN-L, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor.

SB 312, relative to fluoride.

SB 343, relative to disclosures concerning sexual offenders in sales of real property.

SB 346, relative to court appearances by certain business owners.

SB 347-L, relative to the contributory retirement system of the city of Manchester.

SB 369, establishing a committee to conduct a study on the need for standards to protect health information privacy.

SB 420-FN, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening.

COMMITTEE REPORTS

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests. Banks Committee. Vote 3-1. Ought to pass with amendment, Senator Fraser for the committee.

2000-4426s

09/04

Amendment to HCR 27

Amend the title of the resolution by replacing it with the following:

A RESOLUTION requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

Amend the resolution by replacing all after the title with the following:

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no certain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the peoples' wishes; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and

That this application for an amendment to the Constitution is a continuing application in accordance with Article V of the Constitution of the United States; and

That the house clerk transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each member of the New Hampshire Congressional delegation.

2000-4426s

AMENDED ANALYSIS

This house concurrent resolution requests Congress to propose an amendment to the U. S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

SENATOR FRASER: Madame President, levying taxes is the responsibility of the legislature or the political subdivisions of the state, not the federal judiciary, and this bill requests Congress to propose a constitutional amendment making that clear. The bill also would have urged the federal government to allow states to exercise their control over state banking interests. The committee felt that the sphere of control over banking by both the federal government and the states is sufficiently defined. The amendment removes the language referring banking. The committee recommends this bill ought to pass as amended.

Amendment adopted.

Senator Larsen moved to have **HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or

increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests, laid on the table.

Adopted.

LAID ON THE TABLE

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests.

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students. Education Committee. Vote 6-0. Ought to pass with amendment, Senator Gordon for the committee.

2000-4462s

05/04

Amendment to HB 683-FN

Amend the bill by replacing section 1 with the following:

1 Reporting Requirements; Child Endangerment; Assaults. Amend RSA 193-D:4, I (a) to read as follows:

I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing. *If the alleged victim is a student, the principal shall also immediately notify the person responsible for the victim's welfare, as defined in RSA 169-C:3, XXII, that a report was made to the local law enforcement authority.*

SENATOR GORDON: House Bill 683 would require local school districts to notify parents or legal guardians, those persons responsible for supervision of children in the public schools. It would require the public schools to notify those individuals when in fact a report has been made to the police regarding an incident within the school in which their child was a victim of potential violence. The committee recommends ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1188-FN-L, relative to alternative kindergarten programs. Education Committee. Vote 7-0. Ought to pass with amendment, Senator McCarley for the committee.

2000-4463s

04/10

Amendment to HB 1188-FN-LOCAL

Amend RSA 198:48-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Beginning July 1, 2001, a school district which implemented a public kindergarten program in the 1999-2000 or 2000-2001 school

years, or which implements a new public kindergarten or alternative kindergarten program in the 2001-2002 school year, or thereafter, shall receive reimbursement for each pupil at the rate of $\frac{1}{2}$ of the average base cost per pupil as determined under RSA 198:40.

(b) At such time as enrollments in a public kindergarten or alternative kindergarten program are counted in the average daily membership in residence for the purposes of distributing adequate education grants under RSA 198:40 through 198:42, a school district shall receive, in place of the reimbursement set forth in subparagraph VII (a), the adequate education grant amount as determined under RSA 198:40 through 198:42.

Amend the bill by replacing all after section 1 with the following:

2 Kindergarten; Alternative Kindergarten Programs; Reference to Alternative Kindergarten Programs Inserted. Amend 1999, 65:9, I to read as follows:

I. If a school district implements a public kindergarten *or alternative kindergarten* program in school years 1998-1999 ~~or~~, 1999-2000, *or 2000-2001*, the school district maintaining such a kindergarten program shall receive reimbursement for fiscal year 2000 and fiscal year 2001 at the rate of \$750 per pupil.

3 Effective Date. This act shall take effect upon its passage.

SENATOR MCCARLEY: House Bill 1188 reinstates the local alternative kindergarten option that was inadvertently omitted from the statutes in the creation of 117. This is an option that is particularly helpful for small communities that have excellent private kindergarten programs and would like the ability to contract with those programs in order to provide public kindergarten. The alternative programs must satisfy standards for school approval, and indeed the programs have to be offered to all children in the district, so therefore, it certainly is an option for small communities that I think that we should support. The amendment simply puts in statute, the need to fund those few public kindergarten programs that because of the way that we are choosing to use the formula and the membership in schools at a certain time period, would be prevented from getting the same half time pay in the next biennium. We took care of funding those communities in this biennium at the amount of \$750, which was back in the original kindergarten legislation. This guarantees in 2001, that they would not be discriminated against, and would indeed be able to have the same amount of funding flow to their kindergarten children. The committee recommends ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1316, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. Education Committee. Vote 5-0. Ought to Pass, Senator McCarley for the committee.

SENATOR MCCARLEY: This bill in essence is trying to speak to the perception that indeed education trust fund dollars are going other places. While indeed in session law this is already clear, it was felt that to add this into the RSA's would reduce that perception. The committee first wants to strongly state that adequate education grants should be used for education purposes and does recommend this bill as ought to pass.

Adopted.

Ordered to third reading.

HB 1619-FN, relative to school employee and volunteer background investigations. Education Committee. Vote 7-1. Interim Study, Senator McCarley for the committee.

SENATOR MCCARLEY: House Bill 1619 would add “felony drug offenses” to a list of crimes that prohibit an individual from being able to be hired as an employee or be a volunteer in school systems. The bill had some language issues relative to statements in it about something that ‘shall’ happen and then would imply that somehow some of the local districts could overrule it. So there were some clarification issues, but fundamentally, the second half of the bill basically said that from the time that you have been convicted of a felony, and this could be frankly, these days, a fairly minor felony, and you are prohibited for ten years from volunteering or taking part in any sort of school district activities as an employee or a volunteer. We felt that that was a particularly troublesome and burdensome issue if you think of someone having a difficulty at the age of 21, and might want to go in and help with a school, and basically, you wouldn’t be able to when you might be the most effective at trying to talk to students, so we felt that while the bill certainly has some things that you always want to look at in terms of who we are employing in school districts, at a minimum it needed more work. We recommend interim study.

Committee report of interim study is adopted.

HB 457, extending the committee to study electric rate reduction financing. Energy and Economic Development Committee. Vote 7-0. Inexpedient to Legislate, Senator F. King for the committee.

SENATOR F. KING: This is a very short bill. The committee decided that it is not a committee that we need to keep in existence so we recommend inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1146-L, relative to tax increment financing. Energy and Economic Development Committee. Vote 5-0. Ought to pass with amendment, Senator F. King for the committee.

2000-4341s

10/01

Amendment to HB 1146-LOCAL

Amend the bill by replacing section 2 with the following:

2 Computation of Tax Increments; Determination of Rates. Amend RSA 162-K:10, III(a)(1) and (2) to read as follows:

(1) If the municipality retains the full ~~excess~~ captured assessed value for the development district the assessors shall certify to the commissioner of revenue administration, for the purposes of the report required by RSA 41:15, the current assessed value, as the basis to equalize annually the valuation of property throughout the state, and the full ~~excess~~ captured assessed value, to be deducted from the current assessed valuation for the calculation of the property tax rate. The assessors shall extend all rates as established by the commissioner of revenue administration under the provisions of RSA 41:15 against the current assessed value, including all captured assessed value. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that propor-

tion of all taxes paid that year on real property in the district which the captured assessed value bears to the total current assessed value. The amount so remitted each year is referred to in this section as the tax increment for that year.

(2) If the municipality retains only a portion of the ~~[excess]~~ captured assessed value for the development district and returns the remaining portion to the tax lists, the assessors shall include the current assessed value, to be used as a basis to equalize annually the valuation of property throughout the state, and that portion of the ~~[excess]~~ captured assessed value which the municipality does ~~[not]~~ retain, to be deducted from the current assessed valuation for the calculation of the property tax *rate*. The assessors shall extend all rates against the total current assessed value~~], including that portion of the captured assessed value which the municipality is retaining for the development district only~~. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes ~~[paid]~~ *billed* on real property in the district that the retained captured assessed value bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

SENATOR F. KING: This is considered to be a housekeeping bill. It is relative to (TIF) so called tax incremental financing, which some of the communities have adopted. It addresses some of the issues about the assessed value of the property in these TIF districts. It is essentially a housekeeping bill. The committee recommends ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1209, relative to the construction and reconstruction of class B and class C dams. Energy and Economic Development Committee. Vote 5-0. Ought to Pass, Senator Fraser for the committee.

SENATOR FRASER: Madame President, this bill provides that the Department of Environmental Services shall not permit construction or reconstruction of a class B or C dam without finding that the dam provides a public benefit. Dams are classified according to the potential hazard that they present with class B dams presenting a significant hazard and class C dams, the most severe hazard. The public benefit must be to the water supply, flood control, storage and treatment of waste, hydro power, recreation or preservation of historical cultural resources. The bill defines reconstruction as changing the height, length or discharge capacity of the dam as well as repairing a breached or ruined dam. The committee was unanimous in reporting this bill out as ought to pass.

Adopted.

Ordered to third reading.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. Energy and Economic Development Committee. Vote 8-0. Ought to pass with amendment, Senator Cohen for the committee.

2000-4445s

09/01

Amendment to HB 1259-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.

Amend the bill by replacing section 10 with the following:

10 1991 Appropriation; Port Authority; Rip-Rap Project Added. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1 and 2000, 15:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, [and] renovation of any commercial fish piers that may be transferred to the port authority, **and the rip-rap project on River Street in Seabrook**. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
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Total state appropriation section 5	\$18,300,000
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(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. **\$100,000 of the total amount appropriated is designated for the rip-rap project on River Street in Seabrook**. The remaining [~~\$14,600,000~~] **\$14,500,000** is designated for construction, renovation and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000.)

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 after its passage

2000-4445s

AMENDED ANALYSIS

This bill establishes a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and requires the council on resources and development to report on state agency progress.

This bill also designates a portion of an existing capital appropriation for the rip-rap project in Seabrook, New Hampshire.

SENATOR COHEN: This is the smart growth bill. It adds to the duty of Office of State Planning by instructing the agency to encourage local and regional planners to provide for smart growth that preserves farmland, open spaces and village centers. The bill requires the Office of State Planning to assess the smart growth impact of economic development programs that use state grants or loans. The amendment to this bill transfers \$100,000 in the \$18 million appropriated to the Port Authority to complete the rip-rap project at Seabrook. This project was begun with funds from the Port Authority, but the money ran out before the last two properties in the project could be completed. The \$100,000 will complete the project. The committee recommends ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1309, relative to wood-to-energy rate order buydowns. Energy and Economic Development Committee. Vote 7-0. Ought to pass with amendment, Senator Fraser for the committee.

2000-4443s

01/09

Amendment to HB 1309

Amend the bill by replacing paragraph V of section 1 with the following:

V. The general court finds that although the public utilities commission has already issued an order in the Public Service Company of New Hampshire Proposed Restructuring Settlement, Docket No. 99-099, it is still desirable that a good faith effort be made by PSNH and the plants to reach negotiated rate order buydowns, and that the commission should continue to facilitate rate order buydowns in the most expeditious manner possible.

VI. The general court finds that it is also important to lower the price paid for electricity by customers of the Connecticut Valley Electric Company (CVEC). The general court finds that facilitating buydowns of the trash-to-energy plant rate order may assist in accomplishing the goal of lower electric prices. The general court therefore urges that the commissions, CVEC and the plant examine whether similar negotiated rate order buydowns would significantly lower electric rates, and whether rate reduction bonds as described in RSA 369-A would be appropriate to facilitate the financing of such negotiated rate order buydowns.

SENATOR FRASER: Madame President, HB 1309 requires that if the PUC approves the buydowns of the six wood-to-energy plant rate orders, and the one trash-to-energy rate order, the commission shall close the dockets relating to the PSNH's efforts to renegotiate its contracts with the small power producers. The bill was designed to provide an incentive to PSNH and the small power producers to reach an agreement on the rate buydowns. The rate agreement of 1989 required PSNH to make "best effort" to renegotiate its contracts with the small power producers. In 1996 the PUC opened the docket of the so called "best effort" proceedings to determine if PSNH had complied with this agreement. The prospect of closing these proceedings provided an incentive to PSNH, at the same time, the PUC opened the docket to the so-called "light loading proceedings" to determine whether the power produced by the small power producers must be included in the base load or could be reduced in off peak periods. The prospect of closing these proceedings provided an incentive to the small power producers to negotiate. Although rate buydowns have not been agreed to, settlement anticipates itself that they will be negotiated. The PUC will encourage PSNH and the small

power producers to reach an agreement. The settlement includes incentives for reaching timely agreements. The settlement also anticipates that closings are of the best efforts and the light loading proceedings. The amendment reaffirms the legislature's point that the rate buydowns are in a public interest and should be negotiated as soon as possible. The amendment also finds that a buydown of the trash-to-energy plant rate audit could reduce rates by customers of the Connecticut Valley Electric Company, and urges all parties to consider a rate order buydown as well as using rate reduction bonds to facilitate a buydown. The committee was unanimous in reporting this bill out as ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. Energy and Economic Development Committee. Vote 6-0. Ought to pass with amendment, Senator F. King for the committee.

2000-4446s

01/09

Amendment to HB 1329

Amend the bill by replacing all after section 3 with the following:

3 New Section; Public Utilities; Shared Tenant Services; Regulation of Competitive Telecommunications Providers. Amend RSA 374:22 by inserting after section 22-n the following new section:

374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or business entity authorized by the commission to engage in business as a competitive local exchange carrier shall not be required to seek prior commission approval of financings or corporate organizational changes, including, without limitation, the issuance or transfer of its securities or the sale, lease or other transfer of its assets. Nothing in this section shall exempt any such competitive telecommunications service provider from the requirements of RSA 374:28-a, including such advance notice as the commission may prescribe.

4 New Paragraph; Department of Administrative Services; State Facility Energy Cost Reduction; Definition of Date of Project Implementation. Amend RSA 21-I:19-b by inserting after paragraph IV the following new paragraph:

V. "Date of project implementation" means the expected date established in the energy performance contract that the construction, improvement, repair, alteration, or betterment is to be completed and become operational. If the energy performance contract includes more than one energy cost saving measure, the "date of project implementation" may be alternatively defined by the contracting state agency or municipality to be the date that the last of the energy cost saving measures is expected to become operational.

5 Term of Energy Performance Contract. Amend RSA 21-I:19-d, II(d) to read as follows:

(d) The term of any energy performance contract entered into pursuant to this section shall not exceed 10 years *from the date of project implementation*.

6 Energy Performance Contract Requirements. Amend RSA 21-I:19-d, II(f) to read as follows:

(f) Any energy performance contract should require the contractor to include all energy efficiency improvement in selected buildings that are calculated to recover all costs within 10 years **from the date of project implementation** at existing energy prices. The contract shall require that the public utility or energy services provider be repaid ~~[solely from energy cost savings and]~~ only to the extent of energy cost savings **guaranteed by the contractor to accrue over the term of the contract**. Repayments **to the public utility or energy services provider** shall be interest-free.

7 State Treasurer; State Leases. Amend 6:35 to read as follows:

6:35 State Leases. ***The 10-year limitation does not apply to leases for state facility energy cost reduction projects pursuant to RSA 21-I:19-a through RSA 21-I:19-e, which shall be subject to the term limitation applicable to energy performance contracts, as defined therein.*** The treasurer, with the approval of the governor and council, may enter into leases of equipment at the request of any state agency or department for a term not exceeding 10 years. For purposes of this section "leases" shall include lease-purchase, sale and lease back, installment sale, or other similar agreements to acquire such equipment from time to time for various agencies or departments; provided that funding for such equipment leases was specifically approved by the legislature in a budget. Payment obligations under any lease entered into under this section shall be subject to annual appropriation and shall not be treated as debt obligations of the state. The treasurer may execute any related documents, including any document creating or confirming any security interest retained by the seller or lessor of the equipment.

8 Effective Date. This act shall take effect upon its passage.

2000-4446s

AMENDED ANALYSIS

This bill :

I. Allows an electric or gas public utility to provide certain notice prior to terminating residential service.

II. Authorizes the public utilities commission to adopt rules governing the requirement for suppliers of natural gas and aggregators of natural gas customers.

III. Establishes a gas utility restructuring oversight committee..

IV. Amends energy performance contract requirements.

SENATOR F. KING: This bill allows an electric or gas utility, public utility to provide certain notice prior to terminating residential service. The bill authorizes the PUC to adopt rules governing the requirements for supplies of natural gas, aggregators of natural gas customers. The bill also establishes a Gas Utility restructuring Oversight Committee. The amendment speaks to the provisions which allows the commissioner of administrative services to implement up to a ten-year Energy Savings Program and provide for the implementation of that. That is the purpose of the amendment. The committee recommends ought to pass.

Amendment adopted.

Ordered to third reading.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. Energy and Economic Development Committee. Vote 8-0. Ought to pass with amendment, Senator Disnard for the committee.

2000-4444s

08/09

Amendment to HB 1349-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

Amend the bill by replacing all after the enacting clause with the following:

1 Mercury Emissions Reduction and Control Program; Findings and Purpose. Amend RSA 125-M:1, V to read as follows:

V. Ash landfills which serve municipal waste combustors may experience increased mercury levels in the ash disposed at such landfills as a result of efforts to lower mercury emissions from such municipal waste combustors. Therefore, the general court finds that it is appropriate ~~to implement~~ **that the implementation of** mercury controls on municipal waste combustors ~~[after the department of environmental services conducts]~~ **be accompanied by** a detailed study and review of the ash landfills in the state **by the department of environmental services** to make certain that all necessary safeguards are in place to protect against environmental degradation from such sources and ensure the protection of drinking water supplies.

2 Mercury Emissions Reduction and Control Program; Definitions; Eligible Costs. Amend RSA 125-M:2, V to read as follows:

V. "Eligible costs" means ~~[that percentage of the cost]~~ **those costs** incurred by any ~~[municipality]~~ **regional refuse disposal district or solid waste management district formed pursuant to the mandates of RSA 149-M to the extent that any such district is** legally obligated to pay for pollution control equipment ~~[required]~~ **installed** as a result of the enactment of this chapter, including the cost of engineering services[;] **and** installation, ~~[and related services,]~~ as well as the ~~[actual]~~ capital cost for the pollution control equipment~~[-Eligible costs shall exclude any administrative, legal, operational, and fiscal costs related to the pollution control]~~ **and any amortization costs, meaning principal and interest, resulting from the installation of such** equipment.

3 Mercury Emissions Reduction and Control Program; Reduction of Mercury Emissions for Certain Municipal Waste Combustors. Amend RSA 125-M:3, I to read as follows:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste ~~[which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less]~~ shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

4 New Paragraph; Mercury Emissions Reduction and Control Program; Rulemaking. Amend RSA 125-M:4 by inserting after paragraph II the following new paragraph:

III. Establishment and administration of the grant program in accordance with RSA 125-M:8.

5 Mercury Emissions Reduction and Control Program; Compliance. RSA 125-M:5, I is repealed and reenacted to read as follows:

I.(a) No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter.

(b) Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter.

(c) Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day shall submit such plan and application within 3 months after the effective date of this subparagraph in order to comply within 18 months after the effective date of this subparagraph with the emission limits established by this chapter.

(d) The compliance deadlines established by this paragraph shall be suspended by the department for any combustor that, notwithstanding its best efforts, has been unable to obtain all final regulatory approvals necessary to achieve compliance, provided that any such suspension shall conclude no later than 12 months after the combustor's procurement of all such approvals.

6 New Section; Mercury Emissions Reduction and Control Program; Reimbursement of Mandated Costs. Amend RSA 125-M by inserting after section 7 the following new section:

125-M:8 Reimbursement of Mandated Costs.

I. The department shall fund and reimburse eligible costs from its budget. The department shall reimburse such eligible costs over the same period as any such district has amortized those costs, provided that such amortization period shall not be less than 5 years.

II. The department shall determine the eligible costs of each district served by a municipal waste combustor subject to this chapter, and reimburse such eligible costs with prior approval of the governor and council.

7 Ash Landfill Study. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by ~~February~~ **September** 1, 2000 to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

8 New Paragraphs; Air Pollution Control; Costs Assessed at Different Rates. Amend RSA 125-C:12 by inserting after paragraph V the following new paragraphs:

VI. The fee schedules authorized in paragraphs IV and V may include different fees per ton for different pollutants, subject to the following conditions:

(a) Differences in fees shall be justified either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

(b) The total fees collected pursuant to paragraphs IV through VI shall be the same amount as would have been collected pursuant to paragraphs IV and V in the absence of this paragraph.

(c) No additional pollutants shall be assessed as a result of this paragraph. New pollutants may be assessed if the federal government adds additional pollutants to its list of pollutants requiring Title V permits, or if the state adds to the list of regulated toxic air pollutants in accordance with RSA 125-I:4, V.

(d) Different fees per ton may only be applied to the following categories of pollutants, and not to individual pollutants within these categories:

(1) Total suspended particulates, excluding particulate matter smaller than 10 microns.

(2) Particulate matter smaller than 10 microns.

(3) Nitrogen oxides.

(4) Sulfur dioxide.

(5) Volatile organic compounds.

(6) Carbon monoxide.

(7) Hazardous and toxic air pollutants not included in subparagraph VI(d)(5).

(e) The maximum fee per ton for any category shall not exceed 4 times the minimum fee per ton for any category. For emissions during calendar year 2001 only, the maximum fee per ton for any category shall not exceed 2 times the minimum fee per ton for any category.

(f) This paragraph shall only apply to emissions after December 31, 2000.

VII. The department may set a de minimis amount for fees under paragraphs IV, V and VI and may waive the collection of all fees less than this amount.

9 Effective Date. This act shall take effect upon its passage.

2000-4444s

AMENDED ANALYSIS

This bill:

I. Establishes a program whereby certain solid waste management districts and regional refuse disposal districts may be reimbursed for eligible costs incurred pursuant to the mercury emissions reduction and control program.

II. Provides that the implementation of mercury controls on municipal waste combustors be accompanied by, as opposed to being implemented after, a study of ash landfills in the state by the department of environmental services.

III. Requires that combustors with a design capacity to burn less than 250 tons per day but not less than 100 tons per day of municipal solid waste submit an application for a permit or permit modification and compliance plan within 3 months of the effective date of this act.

IV. Provides that the compliance deadlines established by RSA 125-M shall be suspended for any combustor that, despite best efforts, has been unable to obtain all final regulatory approvals necessary, provided any such suspension shall conclude no later than 12 months after the combustor's procurement of such approvals.

V. Extends to September 1, 2000 the date by which the department of environmental services shall report its ash landfill study findings.

VI. Authorizes the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants.

SENATOR DISNARD: The Energy and Economic Development Committee has recommended, unanimously, that HB 1349 ought to pass as amended. The amended bill improves air qualities two ways. First, it authorizes the Department of Environmental Services to charge fees to emission sources based on the harmfulness or the substances they put into the air. The more harmful the substance, the higher the fee. Under the current law, all pollutants are subject to the same fees regardless of how harmful they are. This bill would target the most harmful emissions with the hope that the source would be encouraged to reduce or eliminate its emissions. Second, this bill is similar to 460, in fact, it is 460 that we passed, with all but one vote last week. Third, this bill would help implement the governor's Mercury Reduction Strategy by requiring the Wheelabrator trash plant in Claremont to drastically reduce its mercury emissions. The bill also requires that the Department of Environmental Services reimburse 15 New Hampshire communities for any expenses that they incur because of the bill. I am pleased to report that this reimbursement will not require an increase in the department's budget. Commissioner Varney has assured President Hollingworth that the department will be able to fund the reimbursement **TAPE CHANGE** support this bill as amended. It would mean cleaner air for all of New Hampshire citizens.

SENATOR JOHNSON: I want to voice my support for HB 1349 as amended by Senator King's committee. As Senator Disnard spoke to the issue, this bill does not increase the overall fees the Department of Environmental Services collects from sources of air pollution. It allows the department to restructure the fees so that the worst offenders pay at a higher rate. This will hopefully discourage the more harmful kinds of pollution. The bill is also fair to the 15 New Hampshire communities, which two of my towns happen to be in, who would be saddled by contract with almost \$900,000 in expenses Wheelabrator will incur in complying with the law. Because all of New Hampshire will benefit from the reduction in mercury emissions in Claremont, the state will reimburse the 15 communities for any financial obligations they will incur under the bill.

Amendment adopted.

Ordered to third reading.

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. Energy and Economic Development Committee. Vote 7-0. Inexpedient to Legislate, Senator Johnson for the committee.

SENATOR JOHNSON: This resolution was a response to the sudden spike in oil prices this past winter. Since then, the market has adjusted and prices have fallen, not as much as we would all like them to fall, but they have fallen. In any event, releasing petroleum from the strategic reserves is not an especially effective way of addressing short term fluctuations in market prices, since by the time the additional supply reached the retail market, the prices most likely have adjusted. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HCR 34, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. Energy and Economic Development Committee. Vote 7-0. Inexpedient to Legislate, Senator Fraser for the committee.

SENATOR FRASER: Madame President, market conditions have changed dramatically since this resolution was introduced in the House. Some members of the committee were concerned this resolution might be misconstrued as calling for the reduction, or the elimination of the federal gas tax, which would impact investment in roads and bridges. The committee was unanimous in reporting this bill out as inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1342, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge. Environment Committee. Vote 3-2. Ought to Pass, Senator Russman for the committee.

Senator Russman moved to have **HB 1342**, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1342, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. Environment Committee. Vote 4-3. Ought to pass with amendment, Senator Wheeler for the committee.

2000-4452s

08/01

Amendment to HB 1414

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. Therefore, the department of environmental services should aggressively pursue options for establishing consistent requirements for gasoline composition on a regional basis. The total environmental impacts on air and water of any proposed regional gasoline formulations should be carefully examined.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

2000-4452s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after January 1, 2000, acquires one or more plants for the manufacture of electricity shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

SPECIAL ORDER

Senator Cohen moved to make **HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards, a special order for Thursday, May 18, 2000 at 10:01 a.m.

Adopted.

HB 1569, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. Environment Committee. Vote 3-2. Ought to pass with amendment, Senator Wheeler for the committee.

2000-4455s

03/09

Amendment to HB 1569-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of environmental services to prohibit the sale of methyl tertiary butyl ether (MTBE) in those counties not required to use oxygenated gasoline under the Clean Air Act, to develop a voluntary MTBE testing program of state water supplies, and to study the amount of MTBE in gasoline in the state; establishing certain penalties; and establishing an MTBE fund to be continually appropriated to the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. In order to minimize the contamination of our water resources and to protect the public from potentially harmful health effects, the following actions are proposed relevant to conventional and reformulated gasoline which contains the oxygenate methyl tertiary butyl ether (MTBE).

2 Prohibition On Sale of Oxygenated Gasoline. No person shall sell the oxygenate MTBE as part of any gasoline in those counties of New Hampshire not required to use an oxygenate by the Clean Air Act, 42 United States Code, section 7545.

I. "Gasoline" shall mean gasoline as defined in RSA 259:37-b.

II. All suppliers of gasoline shall annually test their grades of gasoline for MTBE concentration and report such results to the department of environmental services.

III. Any person who violates the provisions of this section may be fined not less than \$500, nor more than \$10,000.

IV. Any penalties collected with regard to this section shall be placed in a fund to be known as the MTBE fund. The MTBE fund is hereby established within the office of the state treasurer and shall be continually appropriated to the department of environmental services.

3 Voluntary Water Testing and Report.

I. The department of environmental services shall propose a voluntary testing of all water supplies in New Hampshire not already required to test for MTBE concentrations by any other department regulations.

II. The department shall contact by letter all public water systems in the state and describe how public water systems can best conduct these voluntary MTBE tests.

III. Such testing shall be done as close to the end of July as possible.

IV. The department shall compile the results of any MTBE test that a public water system voluntarily conducts and voluntarily submits to the department.

V. The commissioner of environmental services shall report findings and conclusions to the MTBE study committee established under 1999, 55. The report shall include the results of testing, a list of which public water systems conducted or did not conduct such tests, and any recommendations for future mandatory testing of public water supplies, including reimbursement to water systems operated by municipalities.

VI. The department shall, upon request, supply to any public water system that has conducted a voluntary test a certificate stating the results of the test and whether the water meets the MTBE standard.

4 Study of Reformulated Gasoline.

I. The commissioner of environmental services shall study the amount of reformulated gasoline delivered to areas in the state where reformulated gasoline is not currently required under New Hampshire's state implementation plan by analyzing levels of MTBE in a minimum of 100 gasoline samples, of all different grades of gasoline, taken from a representative selection of gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties.

II. Such testing shall be funded, upon receipt, by grant money designated to pay for the analyses. Any amount in excess of such grant or in the event such grant is not obtained, the gasoline distribution facilities shall be responsible for funding.

III. The commissioner shall report findings of the study by October 1, 2000 to the speaker of the house of representatives; the president of the senate; the MTBE study committee established under 1999, 55; the house science, technology and energy committee; the senate environment committee; the governor; and the state library.

5 Repeal. Sections 1-4 of this act, relative to gasoline containing MTBE, are repealed.

6 Effective Date.

I. Section 2 of this act shall take effect January 1, 2001.

II. Section 5 of this act shall take effect July 1, 2003.

III. The remainder of this act shall take effect upon its passage.

2000-4455s

AMENDED ANALYSIS

This bill prohibits the sale of the oxygenate methyl tertiary butyl ether (MTBE) in those counties not required to use an oxygenate by the Clean Air Act, 42 United States Code, section 7545. This bill proposes voluntary testing of all state water supplies not otherwise required to test for MTBE concentrations. This bill also requires the commissioner of the department of environmental services to study the amount of reformulated gasoline delivered to areas of the state where the use of reformulated gasoline is not currently required. The bill also establishes civil fines and requires any fines collected to be deposited in an MTBE fund.

Senator Wheeler moved to have **HB 1569**, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state, laid on the table.

Senator Wheeler withdrew the tabling motion.

Recess.

Out of Recess.

SENATOR WHEELER: I will state for the Senate the report that I intended to give for the bill as amended by the committee on Environment because I think that you should know what it would have done, and then I will also tell you that I will support the amendment that Senator Johnson will be offering. The amendment that the Environment Committee adopted requires DES to prohibit the sale of MTBE reformulated gasoline in those counties not required to use oxygenated gasoline under the Clean Air Act. It made that effective as of January 1, 2001. We know that this is possible, despite what you might have heard to the contrary. Vermont is using nonreformulated gasoline, so it is not as though it is unknown to our region. Maine is using a southern version of reformulated gasoline with a much lower content of MTBE. California has figured out how to check the supplies that come into one county by checking the bill of lading to make sure that there is no MTBE in it. So we know that this has worked in other areas, but apparently there are a great deal of concerns that it might not be able to work in New Hampshire. The amendment also requires DES to develop a voluntary MTBE testing program for all water supplies in New Hampshire not already tested for MTBE concentrations by any other department regulations. I don't think that there is any controversy about that. We amended the House Bill to say that "all water supplies" instead of just "public water supplies", because it is my understanding that about 65 percent of the drinking water in New Hampshire comes from public water supplies and we are increasingly becoming concerned about private wells, and this after all, is a voluntary testing program, nobody is required to do it, but it would be a good idea for people to have their wells tested. It also requires the results of these tests to be reported and a study of the amount of MTBE in gasoline in the state. I feel that it is an important bill that focuses on minimizing the contamination of our water resources and seeks to protect the public from potentially harmful health effects found in MTBE. As many of you know, the EPA has recently recognized the need to eliminate MTBE. It is my hope that the part of my amendment that we are about to eliminate, will become unnecessary, because EPA

will say that we shouldn't have MTBE in gasoline. So thank you very much for listening and I hope that you will support Senator Johnson's amendment. Thank you.

Amendment adopted.

Senator Johnson offered a floor amendment.

2000-4472s

03/04

Floor Amendment to HB 1569-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of environmental services to develop a voluntary MTBE testing program of state water supplies and to study the amount of MTBE in gasoline in the state.

Amend the bill by deleting section 2 and renumbering the original sections 3-6 to read as sections 2-5, respectively.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

2000-4472s

AMENDED ANALYSIS

This bill proposes voluntary testing of all state water supplies not otherwise required to be tested for MTBE concentrations. This bill also requires the commissioner of the department of environmental services to study the amount of reformulated gasoline delivered to areas of the state where the use of reformulated gasoline is not currently required.

SENATOR JOHNSON: I do indeed have a floor amendment. While it is being passed out, I will refer to the amendment that you have in your packet...the Senate Environment Committee amendment. What my floor amendment is doing is eliminating section two only of that amendment. I am going to speak very briefly to it. I want to thank Senator Wheeler for her consideration to accept the floor amendment. There are two types of gasoline sold in New Hampshire. The reformulated RFG, which is sold in Hillsborough, Rockingham, Strafford and Merrimack county, then the conventional, which is sold everywhere else. Conventional also contains MTBE. It is used to enhance the octane. Conventional gas contains between 1 percent and 3 percent MTBE on average across grades. That is to say that some gasoline may contain no MTBE and some may contain more. Since every batch of gasoline is a little different and since it is mixed with all of the other gasoline heading to our region, it is impossible to ban its use. I have other comments here to make, but I think that we have letters that came from some of the distributors, matter of fact, there is one here from Iranco, which was addressed to Senator D'Allesandro. Without any further comment, I would ask that you vote in favor of my floor amendment. Thank you.

Floor Amendment adopted.

Ordered to third reading.

HB 1107, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion. Executive Departments and Administration Committee. Vote 5-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: This bill expands the duties of the Telecommunications Oversight Committee. The committee would be further charged to examine overburdened telephone lines due to the expansion of internet use. The committee would also examine phone service interruption due to the increased use. An additional charge to the committee would be to examine special contracts entered into by the telephone companies. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1145, limiting the liability of state certified fire instructors. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Cohen for the committee.

SENATOR COHEN: This bill makes liability limits for state certified fire instructors uniform for all of the instructors. Currently, most certified instructors are covered by limited liability, though those certified instructors that are volunteers are for the most part not covered. The institutional courses that this limited liability would apply to are those courses in the curriculum of fire standards and training. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1203-L, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries. Executive Departments and Administration Committee. Vote 4-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: This bill is in response to an attempt by the state library to implement rules which would have made local libraries spend funds at certain levels in order to receive services from the state library. The rules would also have set minimum qualifications for local library trustees. This bill does not allow the commissioner to adopt rules affecting these requirements. Local libraries should be able to make decisions about funding on their own and not have a minimum level set for them by the state. Additionally, trustees are selected by the local people and are often volunteers. Mandatory educational requirements could keep people away from volunteering in the local libraries. The committee recommends this bill ought to pass.

Adopted.

Senator D'Allesandro offered a floor amendment.

2000-4485s

08/04

Floor Amendment to HB 1203-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to public libraries that are members of the statewide library development system.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The general court finds that since public libraries are operated to serve all of the residents in the communities in which they are located and the funds for the maintenance and operation of these libraries come largely from real estate taxes, the director of the division of libraries shall not dictate expenditure levels for these libraries.

ies. The general court further determines that the director of the division of libraries shall not designate qualifications for member library trustees elected by the voters pursuant to RSA 202-A.

2 Statewide Library Development System; State Library Services. Amend RSA 201-D:4 to read as follows:

201-D:4 State Services.

I. The state library shall provide services to member libraries within the funds available and in keeping with the goal of efficient use of library resources in the state.

II. The director of the division of libraries shall not require a member public library to increase its total appropriations for maintenance, employee salaries and benefits, or materials acquisitions in order to receive state library services.

III. The director of the division of libraries shall not require any qualifications for service for any library trustee or any person seeking to become a library trustee.

2000-4485s

AMENDED ANALYSIS

This bill provides that the director of the division of libraries shall not require a public library that is a member of the statewide library development system to increase its total appropriations in order to receive state library services. This bill also provides that the director of the division of libraries shall not establish qualifications for service as a library trustee or any person seeking to become a library trustee.

SENATOR D'ALLESANDRO: The amendment is in line with the spirit of the original piece of legislation but just makes a few clarifications. I have talked it over with Senator Brown and she is in concern with the amendment as it doesn't do anything in anyway to impose anything on the local libraries, but it just clarifies a couple of points. I would hope that you would support this amendment.

Recess.

Out of Recess.

Senator D'Allesandro moved to have **HB 1203-L**, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1203-L, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

HB 1281, relative to disqualification of public utility commissioners. Executive Departments and Administration Committee. Vote 4-2. Inexpedient to Legislate, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill would have required requests for the disqualification of a public utilities commissioner be referred to a special master appointed by the Supreme Court. The majority of the committee believes that commissioners know when to recuse themselves in proceedings, and that there are already adequate safeguards in place. If this bill were enacted, a judicial referee would then be acting as the Public Utilities Commission, which the referee shouldn't, due to the separation of powers. Additionally, the PUC should not be singled out regarding procedures for holding hearings. If the issue is to look at recusals, then all boards should

be studied, and policies for all boards should be consistent. The majority of the committee recommends this bill is inexpedient to legislate. I might say that we have spent a lot of time with the PUC in terms of revamping it. It at one time was a part-time commission, it is now a full time commission. It is now in the statutes that public hearings must be held to elect Public Utilities Commissioner before it is approved by governor and council. It seemed to the committee, the majority of the committee, that singling out one aspect was not the appropriate thing to do. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1452, codifying the powers and duties of the joint committee on legislative facilities. Executive Departments and Administration Committee. Vote 5-0. Inexpedient to Legislate, Senator Brown for the committee.

SENATOR BROWN: The intent of the original bill was to establish a committee to study codifying laws related to the joint committee on legislative facilities. The bill as amended, however, codifies these laws without consideration of ramification. The bill as amended also repeals a number of session laws related to various legislative offices without provisions for replacement in statute. The committee received a letter signed by all of the bill's sponsors recommending inexpedient, so the committee recommends this bill is inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1467-FN, relative to the registration of mail-order pharmacies. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Cohen for the committee.

SENATOR COHEN: This bill is a request of the board of pharmacy. With the growth of e-commerce across the country, the purchase of prescription drugs by mail order has grown significantly. New Hampshire is one of only nine states that does not register or license these mail order pharmacies. This bill defines "mail order pharmacy" and sets up provisions for registering these companies with the Pharmacy Board. Registration will allow a measure of oversight and provide needed protections to consumers. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1468-FN, relative to the registration of pharmacy technicians. Executive Departments and Administration Committee. Vote 3-0. Ought to Pass, Senator Brown for the committee.

SENATOR BROWN: This bill is a request of the Board of Pharmacy. This bill establishes provisions for the registration of pharmacy technicians with the Board of Pharmacy. Pharmacy technicians often sort and package prescription drugs. This bill will allow the board a measure of oversight of the duties and scope of practice of pharmacy technicians. Registration will also allow the board to keep an employment record of pharmacy technicians, which could be referenced by prospective employers. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 1535-FN, relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. Executive Departments and Administration Committee. Vote 5-1. Inexpedient to Legislate, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill would have established a commission on the appellate system reform. The majority of the committee feels that the legislature has created enough committees and enough commissions. If we want to solve the back log in the appellate system, the courts should hear the cases. The majority of the committee recommends this bill is inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. Executive Departments and Administration Committee. Vote 6-0. Ought to pass with amendment, Senator D'Allesandro for the committee.

2000-4337s

03/01

Amendment to HB 1552-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that:

I. The status of telecommunications infrastructure in the state of New Hampshire is a critical component of New Hampshire's economic development efforts and economy. A telecommunications planning and development initiative is therefore established to identify telecommunications infrastructure strengths, weaknesses and objectives, to create a central repository of relevant information, and to promote this telecommunications infrastructure as an integral part of economic development efforts.

II. A secondary duty of the telecommunications planning and development initiative is to identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state, and to assist efforts to enhance the deployment of telecommunications services.

III. The accomplishments of this initiative should be reviewed no later than the fourth year of its existence.

2 New Paragraph; Resources and Economic Development; Director of Economic Development, Duties; Telecommunications Planning and Development Initiative. Amend RSA 12-A:22 by inserting after paragraph VIII the following new paragraph:

IX. Develop and implement a telecommunications planning and development initiative pursuant to RSA 12-A:45.

3 New Subdivision; Telecommunications Planning and Development.

Amend RSA 12-A by inserting after section 44 the following new subdivision:

Telecommunications Planning and Development

12-A:45 Telecommunications Planning and Development Initiative.

I. The director of economic development, under the supervision of the commissioner of resources and economic development and pursuant to the director's duties under RSA 12-A:22, shall develop and implement a telecommunications planning and development initiative which will result in a telecommunications development plan to be adopted and revised regularly by the telecommunications planning and development advisory committee.

(a) As primary duties of this initiative, the director shall:

(1) Identify existing telecommunications infrastructure by establishing and maintaining a database of telecommunications service providers, services, and infrastructure that exist throughout the state.

(2) Publicize the state's telecommunications infrastructure, as an integral part of the state's economic development efforts, by planning, developing, administering, and implementing programs to assist in the distribution of information about available telecommunications services, infrastructure, and technologies throughout all parts of the state.

(b) As secondary duties of this initiative, the director shall:

(1) Identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state,

(2) Work with providers of telecommunications services, educators, and municipal, county, state, and other government officials to assist efforts to enhance the deployment of telecommunications services.

II. The director may delegate any of the duties established in paragraph I to appropriate designees within the division of economic development.

III. The budget for the fiscal year ending June 30, 2001 for the duties of this subdivision shall not exceed \$150,000. The budget for subsequent fiscal years shall be considered in the division of economic development's operating budget.

12-A:46 Telecommunications Planning and Development Advisory Committee.

I. There is hereby established a telecommunications planning and development advisory committee to advise and assist the director of economic development in performing the duties established in RSA 12-A:45. The committee shall meet at least quarterly.

II. The members of the committee shall be:

(a) The governor, or designee;

(b) The commissioner of resources and economic development, or designee;

(c) The commissioner of administrative services, or designee, preferably from the division of information technology management;

(d) The chairman of the public utilities commission, or designee;

(e) One member of the house of representatives, appointed by the speaker of the house of representatives;

(f) One member of the senate, appointed by the president of the senate; and

(g) The following persons nominated by the commissioner of resources and economic development and appointed by the governor and council:

(1) One member representing residential telecommunications customers;

(2) One member representing large business telecommunications customers;

(3) One member representing small business telecommunications customers;

(4) One member representing educators providing distance learning;

(5) One member representing municipal government;

(6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the commissioner.

III. The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. Other appointed members of the committee shall serve for 3 years and until a successor is appointed.

V. The committee shall elect a chairperson from among the members.

12-A:47 Telecommunications; Statutory Construction. For purposes of this subdivision, "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional dial tone services, the transmission of voice, data, or video through cable and wireless media, and any other similar services to be offered in the future.

12-A:48 Authority of Director to Acquire Information. The director of economic development is authorized to request from telecommunications service providers such information as the director requires to perform the duties established in RSA 12-A:45.

12-A:49 Confidentiality. Information provided to the director pursuant to a request made under RSA 12-A:48 shall, if properly demonstrated by the provider of the information, be deemed confidential, commercial, or financial information and exempt from public disclosure under RSA 91-A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided pursuant to a request made under RSA 12-A:48 in a manner that does not specifically identify the provider.

4 Telecommunications Planning and Development Advisory Committee; Initial Terms of Members. The initial terms of the appointed members of the telecommunications planning and development advisory committee shall be as follows:

I. The members appointed pursuant to RSA 12-A:46, II(g)(1)-(3) shall serve for a period of one year.

II. The members appointed pursuant to RSA 12-A:46, II(g)(4)-(7) shall serve for a period of 2 years.

III. The members appointed pursuant to RSA 12-A:46, II(g)(8) shall serve for a period of 3 years.

5 Initial Funding; Appropriation.

I. The commissioner of resources and economic development shall develop a budget for the fiscal year ending June 30, 2001 for the telecommunications planning and development initiative established by this act, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The sum of \$150,000 for the fiscal year ending June 30, 2001 is hereby appropriated to the department of resources and economic development for the purposes of commencing the telecommunications planning and development initiative established by this act. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$150,000 for the fiscal year ending June 30, 2001 shall be assessed by the public utilities commission against certified telecommunications providers in accordance with the procedures of, and in ad-

dition to all other funds collected pursuant to, the utility assessment of RSA 363-A. All funds received by the public utilities commissions pursuant to this paragraph shall be paid to the state treasurer for deposit into general fund for the purposes of this act.

6 Repeal. The following are repealed:

I. RSA 12-A:22, IX, relative to a telecommunications planning and development initiative.

II. RSA 12-A:45-49, relative to telecommunications planning and development.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 2000.

2000-4337s

AMENDED ANALYSIS

This bill requires the director of economic development to establish a telecommunications planning and development initiative in New Hampshire and makes an appropriation therefor.

SENATOR D'ALLESANDRO: This bill is the recommendation of a roundtable on telecommunications. It establishes a telecommunications development initiative which will disseminate information regarding the infrastructure of telecommunications in New Hampshire. The initiative will identify deficiencies and recommend remedies. This is intended to ensure that parts of the state are not left without the opportunity to make use of the ever expanding and empowering tools of telecommunications. Telecommunications development today is equivalent to the development of the interstate highway system in the 50's and 60's. The amendment reinstates the appropriation of \$150,000 to accomplish the goals of this initiative, and allows the PUC to assess \$150,000 against telecommunications providers. The committee recommends this bill ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1606-FN, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. Executive Departments and Administration Committee. Vote 6-0. Ought to Pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill is the recommendation of a study committee established in 1999. The bill establishes the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. The commission will advise the governor regarding the delivery of alcohol and drug abuse prevention, intervention and treatment services. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997. Executive Departments and Administration Committee. Vote 5-0. Ought to Pass, Senator Larsen for the committee.

SENATOR LARSEN: HCR 22 urges the President and Congress to take steps to eliminate Medicare revenue reductions required by the Balanced Budget Act of 1997, and to declare that the intent of the Act has been accomplished. The reductions in Medicare revenue have dramatic nega-

tive effects on home health services, especially those necessary for keeping New Hampshire's elderly in their homes. These reductions have also proven difficult for both state and our hospitals reduced cash flows. As we are aware, often times federal reductions of service cause dramatic reductions in services to our most needy and must be replaced with state services, further straining the state and Medicaid programs. The committee recommends this resolution ought to pass.

SENATOR F. KING: Senator Larsen, do you believe that I believe, that these were intended consequences and not unintended consequences? I think that the bill was intended to do these things.

SENATOR LARSEN: I would believe that you might believe that, but what we heard in committee was that the reductions, in fact, saved dramatically more money than any federal estimate of what those budgets were to accomplish. That money is being saved on the backs of people who really need home health care services. They have accomplished greater savings than anyone estimated and these savings, in fact, don't need to be effectuated to accomplish what the Balanced Budget Act was attempting to accomplish.

Adopted.

Ordered to third reading.

Recess.

Out of Recess.

HB 254-L, establishing a committee to study building inspector liability and other related matters. Insurance Committee. Vote 7-0. Inexpedient to Legislate, Senator Francoeur for the committee.

SENATOR FRANCOEUR: Testimony on this bill indicated that this study committee is not necessary at this time, and that the issues addressed in the duties section of the bill can be addressed legislatively, without a study, in the next session. With the sponsor's agreement, the committee recommends this bill is inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements. Insurance Committee. Vote 6-0. Ought to pass with amendment, Senator Fraser for the committee.

2000-4467s

01/10

Amendment to HB 1183

Amend RSA 420-J:8, XI as inserted by section 1 of the bill by replacing it with the following:

XI. Every contract entered into after September 30, 2000 between a health carrier and any institutional provider or provider organization that includes more than 10 individual providers shall contain a provision addressing continued access to providers subsequent to the non-renewal of the contract. The effect of this provision shall be to assure that covered persons will have continued access to the institutional provider or to providers within the provider organization in the event that the health carrier and the institutional provider or provider organization fail to renew their contract as of its expiration date. The continued access to providers that covered persons are entitled to under this paragraph shall be provided and paid for in accordance with the terms and

conditions of the covered person's health benefit plan and the prior contract between the health carrier and institutional provider or provider organization. Such continued access to providers shall be made available until the renewal date of the covered person's health benefit plan or 60 days after the expiration date of the contract between the health carrier and institutional provider or provider organization, whichever is sooner. Within 5 business days of the contract termination, the health carrier shall provide written notice to affected covered persons explaining their continued access rights.

SENATOR FRASER: Madame President, this bill will ensure that consumers continue to have access to health care through their health care plans in the event that contracts are cancelled for 60 days or until the renewal date, whichever is sooner. This will protect consumers against the loss of coverage in situations where the plan and the health provider decide to cease doing business. The bill also ensures that the method of payment during this period will be the same as in the previous agreement. Additionally, the insurer will still receive premiums on that coverage during the period of continuation. The committee recommends this bill ought to pass as amended.

Amendment adopted.

Ordered to third reading.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. Insurance Committee. Vote 7-1. Ought to pass with amendment, Senator Wheeler for the committee.

2000-4466s

05/10

Amendment to HB 1189-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to benefit amounts, fees assessed and the application of the state unemployment compensation law, and relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

Amend the bill by replacing all after section 5 with the following:

6 New Paragraphs; Benefit Eligibility Conditions; Part-Time Status. Amend RSA 282-A:31 by inserting after paragraph III the following new paragraphs:

IV. Subparagraphs I(c) and I(d) of this section shall not apply to individuals who are seeking solely part-time work if the individual establishes that:

(a) The individual does not meet the requirements of subparagraphs I(c) and I(d) due to the individual being the only available adult to:

(1) Care for a natural, adopted, step or foster child under the age of 16 of the individual's; or

(2) Care for an ill or infirm immediate family member whom a licensed physician has certified is in need of care for the activities of daily living; and

(b) The individual earned at least 60 percent of the individual's wage credits in part-time employment during the base period.

(c) The individual is ready, willing, and able to accept and perform suitable work at least 20 hours per week for which there is a market for the services the individual offers, and that the individual has exposed

himself or herself to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent person seeking work.

(d) The individual remains substantially attached to the labor market and there exists in the individual's labor market area sufficient suitable work during the hours and/or shifts to which the individual is restricted.

V. The commissioner shall prepare an annual report based on the outcomes of paragraph IV and submit the report to the speaker of the house, the senate president, and the governor on or before November 15th of each year. The report shall include the amount of benefits paid as a result of RSA 282-A:31, IV, the additional administrative expense required by the paragraph, and recommendations for legislation.

7 Benefit Eligibility Conditions; Shifts and Hours. Amend RSA 282-A:31, I(a)-(f) to read as follows:

(a) [He] *The individual* has been classified in accordance with his *or her* experience and abilities and so registered for employment with and by the commissioner and has reported and continues thereafter to report at an employment office in accordance with such rules as the commissioner may adopt.

(b) [He] *The individual* has made a claim for benefits in accordance with the provisions of RSA 282-A:43.

(c) [He] *The individual* is ready, willing and able to accept and perform suitable work ~~[on all the shifts and during all the hours]~~ for which there is a market for the services [he] *the individual* offers and that he *or she* has exposed himself *or herself* to employment to the extent commensurate with the economic conditions and the efforts of a reasonably prudent ~~[man]~~ *person* seeking work.

(d) [He] *The individual* is available for and seeking permanent, full-time work for which he *or she* is qualified.

(e) [He] *The individual* has disclosed whether or not he *or she* owes child support obligations that are payable through any agency of the state of New Hampshire or its political subdivisions.

(f) [He] *The individual* has participated in reemployment services when so directed by the commissioner unless he *or she* has completed such services or has good cause for failure to participate in such services.

8 Disqualifications for Benefits; Work Fitness. Amend the introductory paragraph of RSA 282-A:32, I(d) and RSA 282-A:32, I(d)(1) to read as follows:

(d) [He] *The individual* has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commissioner or to accept *any* suitable work when offered [him], or to return to [his] *the individual's* customary self-employment (if any) when so directed by the commissioner.

(1) The commissioner, in determining whether or not any work is suitable for an individual, shall consider the following:

(A) The degree of risk involved to [his] *the individual's* health, safety and morals; and

(B) His *or her* physical fitness; and

(C) His *or her* prior training; and

(D) His *or her* experience; and

(E) His *or her* prospects for securing, in [his] *the individual's* labor market area, work in his *or her* customary occupation; and

(F) The distance of the available work from [his] *the individual's* residence; but such distance shall not be substantially greater than that distance to all those places to which others living in the same town or city

travel for work which utilizes similar or related skills or services, and also to where he *or she* acquired his *or her* currently available annual earnings; and

(G) [~~His~~] *The individual's* prior earnings, *prior shifts and hours*, and length of unemployment, but his *or her* prior earnings shall be given more weight than his *or her* length of unemployment, *and the individual's length of unemployment shall be given more weight than the individual's prior shifts and hours*.

9 Disqualifications for Benefits; Work Fitness. Amend RSA 282-A:32, I(d)(2)(D) to read as follows:

(D) If [~~he~~] *the individual* is unable to apply for or accept work during the hours of [~~the third shift, so-called~~] *a particular shift* because he *or she* is the only adult available for the care of his *or her* [~~children~~] *natural, adopted, step or foster child* under the age of [~~15~~] *16* during said hours or for the care of an ill or infirm [~~elderly person who is dependent on him for support~~] *immediate family member whom a licensed physician has certified is in need of care for the activities of daily living*.

10 Total and Partial Unemployment; Part-Time Work. Amend RSA 282-A:14, II to read as follows:

II.(a) An individual shall be deemed to be "partially unemployed" in any week of less than full-time work if the wages computed to the nearest dollar payable to [~~him~~] *the individual* with respect to such week fail to equal his *or her* weekly benefit amount.

(b) *An individual who is seeking only part-time work shall be deemed to be "partially unemployed" only in any week during which the individual was employed fewer than 20 hours.*

11 Contingency Upon Devolution of Employment Security Programs. Amend RSA 282-A:87, IV(e) to read as follows:

(e) In the event employment security programs are devolved to the state by the federal government prior to July 1, [~~2002~~] *2004*, the advisory council on unemployment compensation shall meet and review the administrative funding provisions provided in such legislation and advise the commissioner whether to submit legislation to repeal the reserve fund prior to July 1, [~~2002~~] *2004*.

12 Termination of the Administrative Contribution. Amend RSA 1999, 49:7, III to read as follows:

III. Paragraph II of section 6 shall take effect July 1, [~~2002~~] *2004*.

13 Repeal. The following are repealed:

I. RSA 282-A:112, III, relative to annual audits by private firms.

II. RSA 282-A:140, I(b), relative to annual audits by private firms.

III. RSA 282-A:31, IV, relative to eligibility of individuals only available to work part-time.

IV. RSA 282-A:31, V, relative to annual reporting.

V. RSA 282-A:14, II(b), relative to partial unemployment.

14 Effective Date.

I. Section 1 of this act shall take effect July 2, 2000.

II. Sections 2 and 6-10 of this act shall take effect April 1, 2001.

III. Section 3 of this act shall take effect upon its passage.

IV. Sections 4, 11, 12, and paragraphs I and II of section 13 of this act shall take effect January 1, 2001.

V. Paragraphs III-V of section 13 of this act shall take effect April 1, 2005.

VI. The remainder of this act shall take effect July 1, 2000.

2000-4466s

AMENDED ANALYSIS

This bill:

I. Makes changes to the weekly and maximum benefits available to persons receiving unemployment compensation for the next 2 years.

II. Creates an exemption within a group of temporary, part-time employees not eligible to receive benefits.

III. Increases fines for employers failing to file required paperwork with the department of employment security.

IV. Extends a contingency date in a provision authorizing the department of employment security advisory council to review administrative funding provisions in the event the federal government were to devolve employment security programs to the state to July 1, 2004.

V. Removes the requirement that workers must be looking only for full-time employment to be eligible for unemployment benefits, and allows such persons to look for work that reflects their past attachment to the workforce regardless of market conditions for that type of work. These provisions are repealed April 1, 2005.

VI. Extends the termination date for the administrative contribution to July 1, 2004.

VII. Repeals certain provisions on annual audits by private firms.

SENATOR WHEELER: I rise with enthusiasm for HB 1189 and the ought to pass motion of the Insurance Committee. It does a number of important things. First, it modestly raises unemployment benefits at the top of the weekly benefit scale. New Hampshire has historically had low benefits levels relative to other states, and in light of the very solvent nature of our trust fund, this increase is very affordable. It is not an across the board increase, over two years it raises the top categories on the weekly benefits scale from \$300 to \$342 for workers who earn over \$29,500 in the previous calendar year. The second thing that HB 1189 does, is it allows the Department of Employment Security to use money for the trust fund for two years to help finance their administrative funding costs. According to DES they need this money in order to maintain staffing in their offices. It is important that DES offices are adequately staffed. In addition to their ability to pay benefits to claimants in a timely way, it is important that DES staff can assist workers who are looking for work. The DES houses the one-stop centers for dislocated workers and other workers who need to find work. Workers can no longer expect to have continued employment with the same firm during their working life. They will probably have to learn several different jobs over a period of years. House Bill 1189 helps to ensure that DES will have the staff available so that workers will get back to work sooner, which will save money in the long run. The bill also raises the fine for some of us who are delinquent in paying our quarterly unemployment payments from \$10 to \$25. Earlier in the session we raised...we said that what you owe is under a dollar, you don't have to pay, but you still have to file. So those of us who don't like filing will have to pay this \$25 fine for our 17-cent check. The third part that I want to talk about today is the amendment, which the Insurance Committee adopted. It is a good cause amendment. It addresses the situation of some workers in New Hampshire. As we know, the number of part-time workers has increased significantly over the past 20 years in New Hampshire and nationally. New Hampshire workers working less than 35 hours represent 18 percent of the workforce, or 113,000 people. Employers are paying taxes on these part-time workers, but under the eli-

gibility rules of DES, the same part-time workers have not been eligible to collect unemployment benefits. What HB 1189 does, is say that if there is a good...it defines what "good cause" is for not being available to work full-time. One good cause is, if you are the sole caregiver for a child under the age of 16, or if you are caring in your home for an ill, sickly family member, under this, you would be able to collect unemployment. This is if you are laid off, it is not a welfare program. It is if you are laid off from work. If you are available to work 20 hours a week, but not full-time, you would still be able to collect unemployment compensation. This is a change in the current law which now requires permanent full-time availability. This amendment is the product of considerable study and thought. The House Labor Committee subcommittee, some members of it, asked the Department of Employment Security to draft the amendment. The commissioner came to the Senate Insurance Committee and spoke in favor of the amendment because of what he has learned being on the governor's Kid's Cabinet, and the serious lack of availability of child care in the state. Those of us that serve on the Public Institutions, Health and Human Services Committee are aware of the severe shortage of caregivers that one can hire to take care of a disabled family member. A family member that needs care. We know that some parents simply have to stay home and cannot work full-time because they have to care for a disabled or ill family member. I believe that this is family friendly. It will not endanger the fund, the cost of it. The commissioner estimated the cost at \$988,000 annually. There is currently \$306 million in the trust fund. I believe that this legislation will be a big help to workers balancing work and family obligations, and I encourage us to adopt this very family friendly amendment. Thank you.

SENATOR KRUEGER: Senator Wheeler, I just had a question because I did have some concerns that were faxed to me from the Manchester Chamber of Commerce, and maybe you can help with the answer to this question. How will the Department of Employment Security verify there is no other adult available to provide caretaker services, and how will they verify the child 14 or 15 doesn't have a part-time job?

SENATOR WHEELER: I assume that they can develop their own standards for how they verify it. These are the definitions that are in the Family Medical Leave Act so that it is not unknown to have these provisions in statute. Nothing tells DES how they would have to verify that.

SENATOR SQUIRES: Madame President, I rise in support of this amendment. The principal argument, as I understand it, is that we are changing unemployment compensation for social purposes, as though unemployment compensation is frozen in time. But the work force is not frozen, and the work environment is not frozen. Unemployment compensation was passed in the mid 30's. Are we really to believe that the circumstances that prompted it to come into existence are exactly the same today? No, they are not. In the 30's, by and large, you had two parent families. You had the ability of one person to work part-time with another bread winner. If the part-time worker did not continue the job, it wasn't a catastrophe. But over time, the workforce has changed. Now we have multitudes of one person-parents, trying to juggle a multitude of responsibilities, but we continue to think of the 40-hour work week or the 36-hour work week as the benchmark at which all benefits are measured. Right here in this building in fact, people that help us, are in this same bind of part time work. They are stuck. In the new world, as opposed to when workmen's compensation started, people live longer, your parents live longer. There

weren't very many people 90 years old when I was growing up. In this world, there are, so imagine, supposing someone could work part-time, take care of their parent so that they didn't have to go to the county nursing home. That saves the state of New Hampshire about \$28,000 to \$30,000 a year. The trouble is, we are stuck in these funding buckets. We have buckets for workmen's compensation, we have buckets for long-term care and so on and so forth, but from a societal point of view, and from a public policy point of view, what this does, I think, is acknowledge that the work place has changed and we need to change with it. We need to recognize the realities that we have today, that you don't have to work at a job in a continuous eight hour shift as you would in a manufacturing job or in the mills, you can maybe work some at home, you can work at work, you can maybe do as much in four or five hours as our parents could have done in eight. So this is a good bill. If it makes a social obligation so what? I took care of a lot of patients, some of whom went to work in the mills when they were 15 years old in Nashua, in the shoe shop, as it was called. Those women were paid 25 cents a day. I can just hear what happened when someone came along and said maybe we need some safety equipment on these machines so that somebody doesn't cut off their....Can't do that. We got productivity here. I imagine what happened when workmen's compensation came along. Isn't that a social experiment? Of course it is. So I urge you to pass this and to let public policy move with the reality of economics and the social environment in which we now live. Thank you.

SENATOR BROWN: Senator Squires, I just wanted to ask you if I could, a two-part question. Isn't it true now, that the employers pay the unemployment tax on both full-time and part-time wages?

SENATOR SQUIRES: Yes that is true.

SENATOR BROWN: Are the benefits that the part time employers would be entitled to, proportionate to how many hours or how much income that they had?

SENATOR SQUIRES: Yes they are. I might also add, that this...there is a four-year sunset on this bill. So it is in fact, a pilot project.

SENATOR D'ALLESANDRO: I rise in support of this piece of legislation. I spoke with the commissioner of Employment Security who is very much in favor of this piece of legislation, who has looked at it and calls it the "Good cause provision" it is a very logical situation. I can't attempt to repeat the iteration of Doctor Squires, with regard to the aspect of social reform, but remember that employment security has evolved and it is now a job service. It now encompasses many more things than it did in the past. Our world has changed dramatically. The department supports this provision. It is the right thing to do. As a result of that, I strongly support it and wish that all of you would do the same. Thank you very much.

SENATOR FRANCOEUR: For those who weren't at the public hearing and as I sat and listened to the commissioner and he explained that they have been working on this and similar items for a few years now. The commissioner reiterated a couple of times at the hearing that he had no position as far as in favor or opposed. He had written the amendment, or parts of it, as a request for what it would look like if they had to bring it forth. The commissioner said that the current fund is at \$306 million, which is correct. It is based depending upon what you look as the worst case scenario. In fact, probably about 1991 or 1992, when unemployment was drawn on and it was set up to carry the state for an eight month

period. The rates that the employers pay into the fund are based, depending on if the fund is fully funded. If it is going down, then they have to add in more money. Currently, if you do this change that was mentioned at the hearing, that this also could become a 28-a issue, because the opening up of this part-time workers also would affect all year individuals who work part-time in your cities, your towns, and your school systems. There are unknowns that the commissioner talked about today. There were unknowns about exactly how they were going to administer it? If an individual is sick, how long is that individual sick for? A week, two days, a day? Also, as was earlier mentioned, there are other children to watch. As a parent, I hire kids to come into my house and watch my younger ones, that are 13, 14 and 15 years old. So there are others that are available. Also, there was a question on why 20 hours? And nobody answered that. Why is it not 30 or 35 hours? This also could have unintended consequences of creating 19.5 hour workers in the workforce so that they don't affect an employer's rate that he has to pay in. Cost, yes, they are uncertain. If you look at an economy with an under 4 percent unemployment rate, you would say how much is the cost going to be? Well if everyone is working, your cost is going to be pretty low. But if you go back to when times are slow and people do whatever they have to do to earn a living, and they work part-time in it, and then they start, as they come and work under 20 hours, they are going to hit your fund, and your fund is going to be way insufficient for what it would need in it to balance those that would draw on it. The House currently, has set up on this portion of the bill when the sponsor's brought it forth, to set up a committee to look at this through the summer, and make recommendations, and the House still has that committee. They have had four meetings on this and they haven't finalized the exact position on it yet. They asked when the sponsors and the chairman of the Labor Committee asked to give them the time to take a look at this and address this. They are willing to bring it back next year. That is, I think, the prudent thing to do. Thank you, Madame President.

SENATOR D'ALLESANDRO: Senator Francoeur, would you believe that I just got off the phone with Commissioner Ratoff and he told me, without reservation, that he supports this piece of legislation?

SENATOR FRANCOEUR: I believe that you just got off the phone, but after listening to Commissioner Ratoff two times and over an hour's worth of hearing, as far as this legislation that he was very hesitant of taking sides, and that he proposed the information that was here, he told us that it was uncertain as far as the exact cost. You have to remember that when they started looking at this back in February when the committee in the House was set up, they had a number that was \$30 million. It has gone down to \$10 and now \$1. So yes, there are different numbers that have been floating around here and I think that as we all know, there is a lot of political pressure to get what we want out of the commissioner also.

SENATOR WHEELER: Senator Francoeur, would you believe that we obviously listened to the same words and heard different things, because when Commissioner Ratoff came in and talked to us in executive session, I heard him to say, very specifically, that he favored this legislation? He drafted it and he drafted narrowly because he would not favor a broad expansion of unemployment compensation to all part-time workers. But he drafted this very narrowly to show for 'good cause' that you would be eligible. Even when he...he said that very specifically that he had learned from being a member of the governor's Kids Cabinet, that

is what he said to us a few days ago. On May 2, at the hearing when he testified, what he said was, that he would have opposed a broad bill. His agency did a lot of research on this and that he would be concerned that high school kids would be eligible for unemployment if they were laid off, if we drafted this too broadly. He was also worried about cities, towns and school boards, but that is why he drafted the amendment to show good cause, because of the child care issues, and also the taking care of the sick family member, should be good cause. And he reminded us that good cause goes away when the situation changes, so I guess that I will end the question the way that I started it. Would you believe that those were his words?

SENATOR FRANCOEUR: I believe, Senator Wheeler, that that is what you believe he said. I believe that he sat there and told us that he wasn't picking a side on this. He was trying to bring us forth, both sides of this issue. He also said that he did not...that he wrote the amendment at the request...he had to write it, what it would look like, and that is what he did. Also to answer your question on good cause. Currently in statute, he has good cause. He has the ability to issue unemployment for good cause, and he mentioned that if a person is certified as handicapped and can't work more than 20 or 30 hours a week, he has the ability to waiver that that individual gets laid off, can collect under good cause. And he has that currently.

SENATOR MCCARLEY: I rise just very briefly because I know that I raised my hand and said that I was going to speak. It was really to state what Senator Wheeler just said. Senator D'Allesandro did not have the opportunity to be in these hearings. I did, as did others of us. I would have to agree that Commissioner Ratoff indicated concerns initially **TAPE INAUDIBLE**. Also was very appreciative that this indeed was a pilot program, because he believed fundamentally, that these are genuine issues that we need to do something about, but was certainly comfortable with the idea that we were using this in effect as a pilot program for four years to see, and in that sense, was supportive. So I think that if there continues to be a weighing in on that, I believe that the commissioner in the end said, because of what he has learned, this is good policy, and that we should do it.

Amendment adopted.

Referred to the Finance Committee (Rule #24).

Recess.

Out of Recess.

TAKEN OFF THE TABLE

Senator Wheeler moved to have **HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes, and urging the federal government to allow states to exercise greater control over state-specific banking interests, taken off the table.

Adopted.

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes, and urging the federal government to allow states to exercise greater control over state-specific banking interests.

SENATOR FRASER: Madame President, levying taxes is the responsibility of the legislature of the political subdivisions of the state, not the federal judiciary. This bill requests congress to propose a constitutional amendment making that clear. The bill would also have urged the federal government to allow states to exercise their control over state banking interest. The committee felt that the severe control of a bank by both the federal government and the state is sufficiently defined. The amendment removes the language referring to banking. The committee recommends this bill as ought to pass as amended.

Question is on the motion of ordering to third reading.

Ordered to third reading.

HB 1240, requiring insurers to make prompt payments. Insurance Committee. Vote 8-0. Ought to pass with amendment, Senator Fraser for the committee.

2000-4468s

01/10

Amendment to HB 1240

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of health and human services and insurers to make prompt payments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Prompt Payment Required. Amend RSA 126-A by inserting after section 12 the following new section:

126-A:12-a Prompt Payment Required. The department shall pay health care providers, including dental providers, within 45 days of receipt of a clean claim for services rendered to medicaid recipients. For the purposes of this section "clean claim" means a claim for payment of covered health care expenses that is submitted to the department on the department's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the department's published filing requirements.

2 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 6-g the following new section:

415:6-h Prompt Payment Required.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim

form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

3 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 18-j the following new section:

415:18-k Prompt Payment Required.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

4 New Section; Prompt Payment Required. Amend RSA 420-A by inserting after section 17-c the following new section:

420-A:17-d Prompt Payment Required.

I. Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the health service corporation is denying or pending the claim, the corporation shall have 15 calendar days upon receipt of the claim to notify the health care provider or subscriber of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The

corporation's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the health service corporation, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an health service corporation for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The corporation is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The corporation's compliance is rendered impossible due to matters beyond the corporation's control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health service corporation shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any health service corporation or may suspend or revoke the license or certificate of authority of any health service corporation after determining that the health service corporation has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

5 New Section; Prompt Payment Required. Amend RSA 420-J by inserting after section 8 the following new section:

420-J:8-a Prompt Payment Required.

I. Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services ren-

dered in New Hampshire to covered persons within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the health carrier is denying or pending the claim, the carrier shall have 15 calendar days upon receipt of the claim to notify the health care provider or covered person of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The health carrier's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health carrier in writing of the carrier's noncompliance with this section. If the health carrier fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the carrier, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an carrier for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The health carrier is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review determination pursuant to RSA 420-J:5, or RSA 420-J:5-a-e.

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

6 Effective Date. This act shall take effect January 1, 2001.

2000-4468s**AMENDED ANALYSIS**

This bill requires the department of health and human services to pay its dental and other health care providers for services rendered to medicaid recipients promptly.

This bill also requires insurers offering health benefit plans to pay health care providers in a timely manner.

SENATOR FRASER: Madame President, this bill deals with the matter of prompt payments by the Department of Health and Human Services, as well as private vendors. The amendment proposed by the committee requires prompt payment by Department of Health and Human Services, though no penalties are set. The committee felt that it would be inappropriate for the department to use Medicaid funds to pay interest penalties. Private vendors, when payments are declared overdue, will be responsible for an interest payment of 1.5 percent per month. The payment requirements apply only to 'clean claims', and there are provisions for exceptions. This amendment matches one being considered by the House on a Senate Bill. The committee recommends this bill ought to pass as amended.

Amendment adopted.

Referred to the Finance Committee (Rule #24).

HB 1335, requiring hospitals to disclose certain information to the attorney general. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: This bill addresses what is becoming a significant public policy issue in New Hampshire. The employment of large number of physicians by hospitals. What it does is to require the reporting of arrangement contracts etceteras between hospitals and physicians to the attorney general. It has the support of the Department of Insurance and the New Hampshire Hospital Association, believing that the more clarity that is given to the public surrounding these arrangements, the better informed we will be. There was no substantial opposition, actually there was no opposition to the bill, and I ask for your passage. Thank you.

Adopted.

Ordered to third reading.

HB 1541-FN-L, relative to the cremation of deceased persons. Public Institutions, Health and Human Services. Vote 1-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: As you can see, this bill came out of committee with a strong vote. I was the affirmative caster of this vote. It corrects a quirk in the law. Someone in a nursing home, someone on public assistance, even if they request, at the time of their death, that they be cremated, it can't be done. The law simply says that individuals have to be buried. This bill allows the wishes of the deceased, or in fact, relatives, or in fact, if there are no relatives, that in addition to burial, cremation is possible. I have consulted with the Senate's leading expert on this general topic, and he assures me that it meets with his complete approval, although you can interrogate him if you wish. So given the solidity of the report finding, I ask your support. Thank you.

Adopted.

Ordered to third reading.

HB 1241, relative to third person liability under the workers' compensation law. Insurance Committee.

SPLIT REPORT: Inexpedient to Legislate, Senator McCarley for the committee. Vote 4-4

SPLIT REPORT: Ought to Pass, Senator Francoeur for the committee. Vote 4-4

Senator Cohen moved to have **HB 1241**, relative to third person liability under the workers' compensation law, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1241, relative to third person liability under the workers' compensation law.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Insurance Committee. Vote 5-3. Inexpedient to Legislate, Senator Wheeler for the committee.

SPECIAL ORDER

Senator Cohen moved to have **HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits, made a special order on May 18, 2000.

Adopted.

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission. Interstate Cooperation Committee. Vote 2-0. Ought to Pass, Senator Pignatelli for the committee.

SENATOR PIGNATELLI: This bill simply does as the title indicates, it increases the membership of the American and Canadian French Cultural Exchange Commission. The bill also staggers the terms of the additional four commission members. The increase in membership serves two purposes. First, more members will help to ensure that a quorum is present at meetings. Second, the increased membership will provide for a more diverse commission. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

HB 713-FN, relative to penalties for multiple DWI offenses. Judiciary Committee. Vote 3-1. Ought to pass with amendment, Senator Brown for the committee.

2000-4392s

03/09

Amendment to HB 713

Amend the title of the bill by replacing it with the following:

AN ACT relative to ignition interlock systems for certain DWI offenders

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Definition of Ignition Interlock Device and Provider.

Amend RSA 259 by inserting after section 43 the following new sections:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person

who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. The device contains a data-logger which retains records of failures to take or pass the test during the period between recalibrations.

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA 265:82-e, VI-(c) who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

2 New Subdivision; Alcohol Ignition Interlock Program. Amend RSA 265 by inserting after section 82-d the following new subdivision:

ALCOHOL IGNITION INTERLOCK PROGRAM

265:82-e Alcohol Ignition Interlock Program Established.

I. Any person whose license or permission to drive has been revoked or suspended under RSA 265:82-b, I(b), I(c), or II may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than 2 years. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

II. Nothing in this section shall prohibit a court of competent jurisdiction from requiring the installation of an ignition interlock device for any person convicted of a violation of RSA 265:82, where the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, II, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction.

III. Any person under the age of 21 whose license or permission to drive has been revoked or suspended under RSA 265:82-b may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, until the age of 21 or for not less than 12 months, whichever is longer.

IV. An ignition interlock device may not be sold or distributed in this state without the device being approved by the commissioner or the department of safety in consultation with the advisory committee on breath analyzer machines established in RSA 106-G, as provided in RSA 265:82-e.

V. The department of safety shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices and for the licensing of approved interlock service providers.

VI. The commissioner shall adopt rules and regulations to create an ignition interlock program protocol that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

(a) Provide recalibration of each device monthly, unless otherwise ordered by the court;

(b) Maintain at least that number of locations across the state for the installation, service, calibration, and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(c) Provide periodic reports as determined by the court or in department rules, to the probation office and treatment provider, if applicable; if the offender is not placed on probation, to the arresting agency and the court of jurisdiction;

(d) Retain all data-logger records for 12 months after the end of the period to which the offender is sentenced;

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service shall be reported annually to the department; and

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock service protocol.

265:82-f Alcohol Ignition Interlock Circumvention.

I. Any person required by the court to drive only a motor vehicle equipped with an ignition interlock device shall not drive any motor vehicle not equipped with this device.

II. A person shall not tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle.

III. A person shall not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not drive the vehicle.

IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced to drive only a motor vehicle equipped with an ignition interlock device.

V. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

265:82-g Violating Court Order.

I. Upon written notice, by affidavit, that any person has violated an order of the court with regard to the installation of an ignition interlock device after the period of revocation or suspension imposed in RSA 265:82-b, 265:79, or 630:3, a hearing shall be scheduled within 14 business days of the notice. Pending the hearing and upon a finding of probable cause that a violation has occurred based upon the affidavit, the court shall immediately suspend the defendant's privilege to drive a motor vehicle. After the hearing and upon a finding of violation by a preponderance of the evidence, the privilege to drive shall not be restored until the court is satisfied that the person is in compliance with its order.

II. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the court may order a hearing to determine if the person should be held in contempt of court. Upon a finding of contempt, the court may sentence the defendant to up to 6 months in a county department of corrections facility, may make such other orders as necessary to bring about compliance, and may order

a further license suspension or revocation for a period of not more than 12 months. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

3 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than ~~[\$500]~~ **\$1,000** and his *or her* license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. ***After any revocation in which alcohol was involved, the court may require that the license shall not be reinstated until after the division receives a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 6 months, but no longer than one year.***

4 Negligent Homicide. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. ***In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.***

5 Duties of the Advisory Committee on Breath Analyzer Machines. Amend the introductory paragraph of RSA 106-G:1 to read as follows:

106-G:1 Committee Established. The advisory committee on breath analyzer machines is hereby established. The committee shall establish priorities and guidelines for the distribution by the department of safety to municipal police departments of breath analyzer machines to test alcohol concentration. The committee shall periodically review the usage and performance of the breath analyzer machines currently in use in this state and make recommendations to the commissioner of safety on the adequacy of the machines and the needs of the state and municipalities for new machines and technology. ***The advisory committee shall monitor the alcohol ignition interlock program established pursuant to RSA 265:82-e and the operation of the service providers, and propose further legislation as deemed necessary.*** The committee shall consist of the following members and shall elect a chairman from its membership:

6 Effective Date. This act shall take effect January 1, 2001.

2000-4392s

AMENDED ANALYSIS

This bill establishes an alcohol ignition interlock program for certain DWI offenders.

SENATOR BROWN: House Bill 713-FN revises the penalties for repeat DWI offenders to include an optional ignition interlock system for offenses involving alcohol. Forty states now have some provision allowing ignition interlock systems to be used. Some states have begun implementing this in stages. The ignition system works by the operator breathing into a machine. The car will start only if the operator's breath

shows no indication of having consumed alcohol. Periodically while driving, a buzzer will sound and the driver would have to breathe into the device in order for the engine to remain running. This prevents the driver from consuming alcohol while driving. All drivers who want to use the car would have to breathe into the device. The automobile and device have to be taken to a service center once a month for the information to be downloaded. A copy of the data is then sent to both the arresting agency and the court. The offender bears all costs of installation of the device, service and maintenance. While the interlock device is a temporary fix for multiple DWI convictions, it is a lot less expensive than incarceration, enabling offenders to maintain their employment and keep their family intact. Drivers using these devices tend to respond well as long as the devices remain on their automobiles. Currently, eight different manufacturers are making these devices, with many models available. In some states, parents have even installed these devices on the automobiles of their teenage drivers. During the initial rulemaking phase, the Department of Safety and other affected agencies can submit budgetary proposals to enable them to move forward on this program. In order for New Hampshire to adopt this important policy and have available another tool in the fight against drunk driving, the Judiciary Committee recommends the enactment of HB 713, as amended. Thank you.

Amendment adopted.

Ordered to third reading.

HB 1130, relative to persons conducting alcohol concentration tests. Judiciary Committee. Vote 5-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: House Bill 1130 allows persons other than certifying scientists to testify regarding the results of breath tests. This legislation was requested by the Department of Health and Human Services. House Bill 1130 corrects legislation passed last year that eliminated a defendant's right to have in attendance at court the person who conducted the breath test. The Senate approved a change to this to correct the problem last year. However, in the Committee of Conference, the amended language was not included. The Judiciary Committee recommends that HB 1130 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1233, relative to interest on judgments. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Fernald for the committee.

2000-4378s

09/10

Amendment to HB 1233

Amend the bill by replacing all after the enacting clause with the following:

1 Interest From Date of Writ. Amend RSA 524:1-b to read as follows: 524:1-b Interest from Date of Writ. In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recog-

nized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of the writ or the filing of the petition to the date of ~~[such verdict or finding]~~ even **judgment** though such interest brings the amount of the verdict or findings beyond the maximum liability imposed by law.

2 Effective Date. This act shall take effect January 1, 2001.

2000-4378s

AMENDED ANALYSIS

This bill establishes that simple interest on judgments shall be imposed from the date of the writ or the filing of the petition to the date of judgment.

SENATOR FERNALD: This bill is all about 30 days. In court if you get a judgement, there is a 30 day appeal period, and the law, as currently written, provides for interest from the date that you actually have your final decision, which means the 30 days between when you actually get your judgement...when you get your decision and you actually get the judgement after the appeal period, is lost for purposes of collecting interest. So this bill was intended to correct that. We have an amendment which does the same thing in a different place in the statute, and the amendment is in the calendar, and the amendment has a typographical error in it, because two words are transposed, so I have a floor amendment that I will offer in a minute. What I would ask you to do is to accept the committee's report of ought to pass with amendment, and then I will present a floor amendment to correct the amendment. Thank you.

Amendment adopted.

Senator Fernald offered a floor amendment.

2000-4483s

01/09

Floor Amendment to HB 1233

Amend RSA 524:1-b as inserted by section 1 of the bill by replacing it with the following:

524:1-b Interest from Date of Writ. In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recognized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of the writ or the filing of the petition to the date of ~~[such verdict or finding]~~ **judgment** even though such interest brings the amount of the verdict or findings beyond the maximum liability imposed by law.

SENATOR FERNALD: On line eight of the amendment, the word "judgement" is the new word and the word "even" follows judgement in the calendar. Those words were the other way around and didn't make any sense. So I would move that the Senate accept and adopt this floor amendment.

Floor Amendment adopted.

Ordered to third reading.

HB 1236, relative to an informed jury. Judiciary Committee. Vote 5-0. Inexpedient to Legislate, Senator Fernald for the committee.

SENATOR FERNALD: This is a bill which I, and I think, the rest of the committee, found to be somewhat strange because it talks about an informed jury. I guess the question is "informed of what"? Then it talks about nullification and often times is referred to as "jury nullification", but we are not nullifying a jury, so the whole question is whether the jury can nullify the law. If you think about what a judge normally does in a case, the judge is there to implement the law, and the facts are brought in to the judge to decide. We would be shocked if we had a judge who said, I know what the law is and on these facts, this person is guilty, but you know what, I don't think that it is a good law, so I am going to find this person not guilty. We would be shocked if a judge did that. However, from time to time, juries do that. When that has been challenged to a higher court, the courts have said basically, well it may not be right to ignore the law, but a jury can do that. It isn't necessarily a good thing to do, but they can do it. What this bill was intended to do is to allow in every criminal case, an instruction be made to the jury that they can ignore the law and find someone not guilty even though, based on the law and the facts, that they are guilty. That does not seem like good policy to me. We should not be encouraging, or even inviting juries to ignore the law. I would ask you to accept the committee's recommendation of inexpedient to legislate. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1371, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles. Judiciary Committee. Vote 5-0. Ought to Pass, Senator Brown for the committee.

Recess.

Out of Recess.

Senator Brown moved to have **HB 1371**, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles, laid on the table.

Adopted.

LAID ON THE TABLE

HB 1371, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

HB 1431, relative to protective orders in domestic violence cases. Judiciary Committee. Vote 5-0. Ought to pass with amendment, Senator Fernald for the committee.

2000-4379s

04/10

Amendment to HB 1431

Amend RSA 173-B:5, VIII-a as inserted by section 1 of the bill by replacing it with the following:

VIII-a. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, plaintiff or plaintiff's family may request

that the local police department notify defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

2000-4379s

AMENDED ANALYSIS

This bill requires that the court, upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, issue a warning to the plaintiff advising them that it would be unwise and possibly unsafe to contact the defendant. The bill also provides that if the plaintiff wishes to contact the defendant, the plaintiff should petition the court for a modification of the order.

SENATOR FERNALD: This is a bill that we weren't all particularly excited about in the committee, on the other hand, we didn't see that there was any great problem with it. The problem that is out there in the world is that people get restraining orders, and then they ignore them. Often it is the person who obtained the order who ignores it, or invites the other side to call up or to come and visit or what have you, so the intent of this bill, is that if there is going to be a restraining order, that the court, as part of its order, inform the person who is getting the order...all right, this really is a restraining order, and you shouldn't be talking to each other and advise them that it is unwise and possibly unsafe for the plaintiff to contact the defendant. It was pointed out by some of the committee that this is trying to legislate commonsense, and that may well be. There is an amendment in the calendar so that this now only applies to those restraining orders where in fact, someone is ordered to have no contact with another, because there are restraining orders where you have to stay away from the house, you have to stay away from the place of employment, but there still is contact because there are children, and there is visitation going on. So the amendment, I think, improves the bill and the committee recommendation is ought to pass with amendment. Thank you.

Amendment adopted.

Ordered to third reading.

HB 1508-FN, establishing a study committee on antitrust laws as they apply to hospital business practices. Judiciary Committee. Vote 5-0. Inexpedient to Legislate, Senator Wheeler for the committee.

SENATOR WHEELER: The issues raised by HB 1508 will be addressed in another committee established in HB 1183 which has been extended into another year. This would be a totally duplicative effort and is not necessary. Also I believe that it is directed towards a specific case, and I am not in favor of legislation that is directed just towards one case; therefore, the Judiciary Committee recommends that HB 1508 be inexpedient to legislate. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act. Judiciary Committee. Vote 4-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: House Bill 1562-FN makes violations of protective orders where a stay away order has been issued under the Child Protection Act Class A misdemeanors, and provides sentencing provisions for subsequent related offenses. House Bill 1562 provides the same penalty for a person violating a court order in a child abuse protection

if they go to the home, as exists in a domestic violence proceeding. House Bill 1562 provides the court with a tool to use against those who violate court orders. Sometimes, RSA 173-B, the domestic violence statute, has been used in these situations because the Child Protection Act, RSA 169-C has no enforcement capability. The provisions of HB 1562 might enable a child to stay in their home under the protection of an order, rather than having to send the child away to a shelter or other placement. The Judiciary Committee recommends that HB 1562 be ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. Judiciary Committee. Vote 4-0. Ought to pass with amendment, Senator Fernald for the committee.

2000-4390s

05/04

Amendment to HB 1570-FN

Amend RSA 651-A:25, IX as inserted by section 1 of the bill by replacing it with the following:

IX. An individual who is on parole or probation in another state, who is present in this state without the permission of the officer of this state designated under paragraph V of this section, and who remains in this state after 7 days of being notified in writing by a law enforcement officer that the individual may not remain in this state without the permission of the designated officer, shall be guilty of a misdemeanor.

2000-4390s

AMENDED ANALYSIS

This bill requires probationers and parolees from other states to receive permission from a designated officer to remain in the state, and if not granted permission to remain, to leave the state within 7 days of notification or be guilty of a misdemeanor.

This bill was requested by the department of corrections.

SENATOR FERNALD: This bill was introduced because of the concern that people on parole in other states are coming to New Hampshire. Apparently there are some states that try to encourage their parolees to go to other states so that they can export their problems. This bill would require that if parolees are present in New Hampshire, they have to be here with permission of the state, and if they do not have that permission, they have seven days to leave. We have an amendment to the bill. The amendment makes violation of this statute a misdemeanor rather than a Class B felony. A Class B felony seemed, in the eyes of the committee to be a little too stiff. We really were trying to put in a deterrent here and we think that a misdemeanor of up to a year in jail is deterrent enough to keep parolees from coming here and hanging around without permission.

Amendment adopted.

Ordered to third reading.

HB 1294-L, relative to regional planning commissions. Public Affairs Committee. Vote 6-0. Ought to Pass, Senator Roberge for the committee.

SENATOR ROBERGE: House Bill 1294 is merely a housekeeping measure to benefit the regional planning commission of the state. The provi-

sions of HB 1294 would permit the office of State Planning, after consultation with the respective planning commissions, to readjust the boundaries of planning regions; would provide regional planning commissions with the status of political subdivisions of the state; would allow these commissions to borrow funds and establish lines of credit; would repeal the authority of the commissions to provide assistance to urban renewal projects or blight removal activities; and would give the Director of the Division of Motor Vehicles the authority to prescribe special rules relative to the registration of vehicles owned by regional planning commissions; and issue for these vehicles special permanent number plates. Currently, 90 percent of the municipalities in the state are members of regional planning commissions. These commissions must do work on a reimbursable basis. The provisions of HB 1294 allow them to enter into collateral loan agreements that are limited to a period of one year in order to qualify for reimbursement. The Public Affairs Committee recommends that HB 1294 be ought to pass, unanimously. Thank you.

Adopted.

Ordered to third reading.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause. Transportation Committee. Vote 4-0. Ought to pass with amendment, Senator Gordon for the committee.

2000-4410s

05/01

Amendment to HB 1617-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Original and Youth Operators' Licenses; Basis for Suspension. Amend RSA 263:14, III to read as follows:

III. *During the first year following the issuance of an original license, a first violation of the motor vehicle laws for which the license holder has been found guilty, shall result in a 20 day period of suspension.*

IV. *During the first 2 years following the issuance of an original license, a second violation of the motor vehicle laws for which the license holder has been found guilty shall result in a 45 day suspension; and a third or subsequent violation shall result in a 90 day suspension.*

V. The director, after hearing, may suspend or revoke an original license or any license held by a person under 20 years of age for good cause upon receipt of proper evidence or information of misconduct, misuse, or abuse of such driving privileges. *Circumstances constituting misuse, abuse, or misconduct of driving privileges shall include a violation of the motor vehicle laws which poses an immediate hazard to the operator or to the safety or property of others on or near the roadway, or when included with other driving offenses, demonstrates a repeated disregard for public safety.*

2 Effective Date. This act shall take effect upon its passage.

SENATOR GORDON: House Bill 1617 has to do with the suspension of licenses. Fairly recently there have been two important court cases in the state. The state, up until recently, has been suspending the licenses of anyone that is under 20 years of age for any motor vehicle violation, and this has caused a problem in that for a simple speeding violation at age 19, if you were employed, you will lose your license, and potentially

your employment. This was challenged in the courts, and the courts have determined that the enforcement of that statute is unconstitutional. The department, at this point in time, has stopped enforcing this law, but is in limbo. The second case that came down was a case called the Meissner case from the court. In that particular case, the Supreme Court held that just a simple speeding ticket isn't enough to suspend a license, that you need to show that the person was a danger or a hazard to other people on the road in addition to speeding. So the department asked that the law be clarified so it would have some direction on how to go forward in enforcing law in the future in regard to suspension, and that is what this bill intends to do. The first thing that it does is deal with minors. What it says is that when you first get your license, for one year, if in fact you violate the motor vehicle laws of the state, you can lose your license for a first offense, but only for one year. Currently, it is for four years. You lose it for 20 days on your first offense, 45 days for the second and 90 days for the third or more. Then the bill says that two years after you get your license, your license can still be suspended, but not on the first violation on the second violation your license would be suspended. So after you have been driving for one year, on a graduated basis, you get one free speeding ticket, basically. You pay the fine and that is it, you don't lose your license because you simply got a speeding ticket, like 4,000 other people each year. After you in essence, turn 18 or after you have had your license for two years, you are treated like any other adult. The second part of the bill sets a standard. Right now in the law, it has been there since the 1950's, there is a standard that says that the director may suspend your license for misuse or abuse or misconduct. Up until 1997 this has always been interpreted to be a relatively high standard, but in 1997 the director of Motor Vehicles started saying that a simple speeding violation is misconduct, misuse or abuse. That is how it is justified suspending licenses just for one speeding ticket. What this does is set a new standard that says that if you have one violation and your conduct poses a hazard to other people on the road at the same time, yes, the director should be able to suspend your license. Or, if you show a pattern of behavior that constitutes misconduct, misuse or abuse. So it sets a standard that hasn't been there in the past, and I think that this clarifies the law and will give the Department of Safety some direction. I would ask for your support on this legislation.

Amendment adopted.

Ordered to third reading.

HB 1627, relative to the exchange of certain land in the town of Rindge. Transportation Committee. Vote 3-0. Ought to Pass, Senator Russman for the committee.

SENATOR RUSSMAN: House Bill 1627 is a very important bill that authorizes the exchange of a very small piece of land owned by the Cambridge Boy Scout Camp with a like portion of land owned by the town of Rindge for the purpose of improving the road alignment of the old New Ipswich Road in Rindge. Because the land owned by the Boy Scouts is in a conservation easement, the only way to make this change is through legislation. The value of this conservation easement would not be adversely affected by the exchange. The town of Rindge has agreed to make reparations to the old road right away to bring its appearance more in line with the surrounding area, including revegetation of areas, like repair-

ing a stone wall and undertaking the acquires survey work. The New Hampshire Office of State Planning supports the exchange. No one testified in opposition and we hope that you would find it in your hearts to vote ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1113, raising the maximum price for lucky 7 tickets. Ways and Means Committee. Vote 5-1. Ought to pass with amendment, Senator Brown for the committee.

2000-4275s

09/01

Amendment to HB 1113

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Lucky 7 Tickets; Fee Per Deal. Amend RSA 287-E:22, I and II to read as follows:

I. A licensed distributor shall pay a fee of \$15 per deal of pull tab tickets ***sold for not more than \$.50 per ticket, and shall pay a fee of \$30 per deal of pull tab tickets sold for more than \$.50 per ticket.***

II. A licensed distributor shall pay a fee of \$6 per deal of bag tickets ***sold for not more than \$.50 per ticket, and shall pay a fee of \$12 per deal of bag tickets sold for more than \$.50 per ticket.***

2000-4275s

AMENDED ANALYSIS

This bill increases the maximum price of any lucky 7 ticket pack or ticket card. This bill also provides that a licensed distributor shall pay the state a fee of \$30 per deal of pull tab tickets and \$12 per deal of bag tickets which are sold at more than \$.50 per ticket.

SENATOR BROWN: For those of you who don't know what a lucky 7 ticket is, I am going to pass this around. No, it is not a winner. Why do you think I am passing it around? House Bill 1113 would simply raise the amount that can be charged for a lucky 7 ticket from 50 cents to \$1. The increase of the limit that has existed since 1983 would allow a wider range of prices for the charity selling the tickets. The odds of winning remain the same. Ways and Means amended the bill to increase the state tax from \$15 per deal to \$30, and also increased the tax on bag tickets to \$12. Ways and Means recommends HB 1113 ought to pass as amended. I would like to note to those of you who are listening, that I have done more committee reports today than the whole session up to this point. Thank you.

Recess.

Out of Recess.

Senator Pignatelli moved to have **HB 1113**, raising the maximum price for lucky 7 tickets, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1113, raising the maximum price for lucky 7 tickets.

COMMITTEE OF CONFERENCE REPORT**March 14, 2000****2000-3788-CofC****05/10**

Committee of Conference Report on SB 143-FN, an act relative to penalties for incest.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 143-FN, an act relative to penalties for incest.

*Conferees on the Part
of the Senate*

Sen. Pignatelli, Dist. 13

Sen. Squires, Dist. 12

Sen. Brown, Dist. 16

*Conferees on the Part
of the House*

Rep. Welch, Rock. 18

Rep. Lozeau, Hills. 30

Rep. Tholl, Coos 5

Rep. Knowles, Straf. 11

SENATOR BROWN: The amendment changed the effective date and the House agreed with us, so I hope that you will agree with us.

Senator Pignatelli moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 315, changing the form for writs of execution.

Senator Pignatelli moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 376, relative to the jurisdiction of the public utilities commission to determine consequential damages.

Senator F. King moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 360, adopting a pupil safety and violence prevention act.

Senator McCarley moved to concur.

Adopted.

2000-4470-EBA**05/10****Enrolled Bill Amendment to HB 312**

The Committee on Enrolled Bills to which was referred HB 312 AN ACT relative to the carrying of firearms in courthouses.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 312**

This enrolled bill amendment makes a technical correction to section 1 of the bill.

Enrolled Bill Amendment to HB 312

Amend the bill by replacing section 1 with the following:

1 Firearms Restrictions; Courthouse Security. RSA 159:19 is repealed and reenacted to read as follows:

159:19 Courthouse Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon the person or within any of the person's possessions owned or within the person's control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Firearms may be secured at the entrance to a courthouse by courthouse security personnel.

III. For purposes of paragraph I, "area used by a court" means:

(a) In a building dedicated exclusively to court use, the entire building exclusive of the area between the entrance and the courthouse security.

(b) In any other building which includes a court facility, courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judge's chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities.

IV. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or persons with prior authorization of the court for the purpose of introducing weapons into evidence and as otherwise provided for in RSA 159:5.

V. It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building.

Senator D'Allesandro moved adoption.

Adopted.

2000-4478-EBA**03/09****Enrolled Bill Amendment to HB 522**

The Committee on Enrolled Bills to which was referred HB 522

AN ACT relative to the public's access to sex offender registry information.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 522

This enrolled bill amendment makes technical corrections to amending language.

Enrolled Bill Amendment to HB 522

Amend section 1 of the bill by replacing line 1 with the following:

1 Duty to Report. RSA 651-B:4, I is repealed and reenacted to read as follows:

Amend section 3 of the bill by replacing line 1 with the following:

3 Updates. Amend RSA 651-B:7, IV to read as follows:

Amend section 4 of the bill by replacing lines 7-10 with the following:

III. *A sexual offender or offender against children previously convicted of a misdemeanor pursuant to paragraph II who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony.*

IV. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a

Senator D'Allesandro moved adoption.

Adopted.

TAKEN OFF THE TABLE

Senator Gordon moved to have **HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, taken off the table.

Adopted.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

SENATOR GORDON: What this bill does, just as a refresher, there are roads which are currently state roads, which are currently located in the three communities that are listed here, Northfield, Tilton and Waterville Valley. There have been arrangements made between those towns and the state to transfer ownership, or responsibility for those roads, over to the towns, and in so doing, the state is putting money into fixing up the roads with the idea that the town will then take them over and continue to maintain them as public highways. An issue...and really it is not very controversial, what the controversial issue has been is how the towns go about accepting those roads. The issue here is that there has been an argument here by some that the governing body of these towns, which would be the board of selectmen, should be able to just accept the roads on behalf of the towns, and other people feel that the legislative body, which would be town meeting, ought to be required so that all of the people of the town get to vote on whether they accept the roads. Fortunately, two of these towns happen to be in my Senate district and there was a controversy in Waterville Valley over whether or not the board of selectmen should have to go through the routine of having a town meeting. So we did provide for an expedited town meeting. I understand that the selectmen have already scheduled the town meeting. It is no longer an issue, and I think that we can just go forward and pass this bill. I appreciate your support in doing so.

Question is on the adoption of the committee amendment (#4252).

Amendment adopted.

Ordered to third reading.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 235, increasing exemptions under the interest and dividends tax.

HB 310, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

HB 1131-FN, relative to license revocations and suspensions.

HB 1163, relative to the date of decision for appeals of zoning matters.

HB 1344-FN, expanding the used oil program.

HB 1406, relative to transition service.

HB 1410, relative to the joint health council.

HB 1412, relative to electric customer-generators.

HB 1454, relative to deputy conservation officers in the fish and game department.

HB 1459, requiring the state police to record and update information relative to the charges of criminal and civil non-support.

HB 1492-FN, relative to clarifying the states stalking statute.

HB 1494-FN, establishing penalties for attempts to purchase firearms illegally.

HB 1559, establishing a committee to study the organization and functions of the New Hampshire state port authority.

SB 305, relative to payments to defeat eviction for nonpayment of rent.

SB 311, relative to the recovery of public assistance.

SB 325, relative to denial, revocation or suspension of a childcare provider license, permit or registration for certain felony convictions.

SB 327, relative to responsibility of the employee and perjury under workers' compensation.

SB 340, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting.

SB 344, relative to appointment of housing consumers to housing authority boards.

SB 350, adding business development to the law governing industrial development authorities.

SB 351, making certain changes in the laws relative to fraternal benefit societies and health service corporations.

SB 386, relative to names on birth certificates and affidavits of paternity.

SB 394-FN, making miscellaneous changes in the insurance laws.

SB 402-FN, relative to employee reimbursement for work-related expenses.

SB 416-FN, relative to licensure of dietitians.

SB 426-FN, relative to boat dealers and repairers.

SB 434, exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

SB 452, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses.

SB 454, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. Senator D'Allesandro moved adoption.

Adopted.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time.

Adopted.

LATE SESSION ANNOUNCEMENTS

SENATOR COHEN (RULE #44): At eleven o'clock in New Castle today is a funeral that I am obviously not going to, but not everybody here had the privilege of knowing Joe Sawtelle, who was truly an outstanding individual. There was a memorial service yesterday for him where hundreds of people were there. He is somebody who...his biggest aspect of who he was was giving so much of himself. So many programs in the seacoast were started due to this one man, Joe Sawtelle who never called attention to himself. He was always the anonymous donor, just again and again for so many projects, making sure that underprivileged kids would be able to go to college, museums in the area, the Albacore. I just wanted everybody to know that while I am here today, a piece of my heart and a piece of the hearts of everybody in the seacoast is with the family of Joe Sawtelle today. I just wanted everybody to know that the seacoast lost a really great man about a week ago. Thank you.

SENATOR GORDON (RULE #44): I have a rose here on my desk today and I just want to explain why. The reason for this, I just want to say, also in memory of somebody, the person that it is memory of happens to be a lady by the name of Mrs. E. Maude Ferguson. Mrs. Ferguson came from Bristol, and she was the first New Hampshire woman Senator. I have been waiting for the proper opportunity to do this, but what I found out was that her birthday isn't when we normally hold session, nor is the anniversary of her death when we normally hold session. I want to explain to you about her, just a bit. "She came from Bristol. She was the first woman Senator. She was elected in 1930, a decade following the national enactment of woman suffrage." These are not my words, this is from the book about the legislature, To This Day, if you are familiar with that book. "This stately brunette of forty-seven had completed two terms in the House, where she joined in opposing special privilege for women in allocation of seats. Mrs. Ferguson was greeted by the "August" Senate with flattering homage, which she accepted. She was given the distinction of presiding as chairman of the Senate's Republican caucus for choice of the session's officials. She also became temporary President when the Senate convened, as skeptical newsmen, including this writer, reported she officiated without a flaw or miscues. A bouquet of roses from her Bristol neighbors graced Senator Ferguson's desk on opening day to mark her presence. There was also a single rose, in silent homage, to Dr. George H. Calley of Bristol, Senator Ferguson's late stepfa-

ther, who filled the same seat in 1909.” I just wanted to say that Senator Calley was my great uncle as well. So I wanted to today, to honor her with a flower, just as she had been honored in the day when she came and joined the Senate in 1930. I might also tell you that Maude who was highly esteemed in the community. “She was elected in 1930 and she died in 1931 by her own hand. She committed suicide while she was serving her first term as state Senator.” I think that there was an educational funding issue at that point...

SENATOR EATON (RULE #44): Because of my devotion to this new position, to my wanting to be here, I should be touching down in Beijing, China right now. Two very lucky people are there for me instead.

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of introducing legislation, referring bills to committee and scheduling hearings, House messages, enrolled bills and amendments and that when we adjourn, we adjourn to Thursday, May 18, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students.

HB 713-FN, relative to penalties for multiple DWI offenses.

HB 1107, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.

HB 1130, relative to persons conducting alcohol concentration tests.

HB 1145, limiting the liability of state certified fire instructors.

HB 1146-L, relative to tax increment financing.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.

HB 1188-FN-L, relative to alternative kindergarten programs.

HB 1209, relative to the construction and reconstruction of class B and class C dams.

HB 1233, relative to interest on judgements.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

HB 1294-L, relative to regional planning commissions.

HB 1309, relative to wood-to-energy rate order buydowns.

HB 1316, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

HB 1335, requiring hospitals to disclose certain information to the attorney general.

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission.

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

HB 1431, relative to protective orders in domestic violence cases.

HB 1467-FN, relative to the registration of mail-order pharmacies.

HB 1468-FN, relative to the registration of pharmacy technicians.

HB 1541-FN-L, relative to the cremation of deceased persons.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

HB 1562-FN, establishing criminal penalties for violations of orders of protection under the child protection act.

HB 1569, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

HB 1606-FN, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

HB 1627, relative to the exchange of certain land in the town of Rindge.

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests.

HJR 22, relative to the unintended consequences of the Balanced Budget Act of 1997.

In recess.

Out of Recess.

2000-4511-EBA

04/01

Enrolled Bill Amendment to SB 376

The Committee on Enrolled Bills to which was referred SB 376

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 376

This enrolled bill amendment makes a technical correction to the amending language in section 3 of the bill.

Enrolled Bill Amendment to SB 376

Amend the bill by replacing line 1 of section 3 with the following:

3 Municipal Electric, Gas, or Water Systems; Authority to Determine Consequential Damages. Amend RSA 38:33 to read as follows:

Senator Trombly moved adoption.

Adopted.

2000-4531-EBA

08/01

Enrolled Bill Amendment to SB 143-FN

The Committee on Enrolled Bills to which was referred SB 143-FN AN ACT relative to penalties for incest.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 143-FN

This enrolled bill amendment makes a grammatical correction to section 3 of the bill.

Enrolled Bill Amendment to SB 143-FN

Amend section 3 of the bill by replacing line 5 with the following:

years and a minimum which is not to exceed $\frac{1}{2}$ the maximum. Notwithstanding the provisions of this

Senator Trombly moved adoption.

Adopted.

2000-4538-EBA

03/01

Enrolled Bill Amendment to HB 1316-LOCAL

The Committee on Enrolled Bills to which was referred HB 1316-LOCAL AN ACT prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1316-LOCAL

This enrolled bill amendment makes a grammatical correction to the title of the bill.

Enrolled Bill Amendment to HB 1316-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue.

Senator Trombly moved adoption.

Adopted.

2000-4510-EBA

04/10

Enrolled Bill Amendment to HB 1541-FN-LOCAL

The Committee on Enrolled Bills to which was referred HB 1541-FN-LOCAL

AN ACT relative to the cremation of deceased persons.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1541-FN-LOCAL

This enrolled bill amendment makes a technical correction for consistency in a statutory reference in the bill.

Enrolled Bill Amendment to HB 1541-FN-LOCAL

Amend RSA 166:19-a, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. The funeral director or the person who paid for the funeral and burial *or cremation*

Senator Trombly moved adoption.

Adopted.

2000-4534-EBA

08/10

Enrolled Bill Amendment to HB 1606-FN

The Committee on Enrolled Bills to which was referred HB 1606-FN

AN ACT establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1606-FN

This enrolled bill amendment makes a technical correction to the bill, and corrects a bill section reference in section 3 of the bill.

Enrolled Bill Amendment to HB 1606-FN

Amend RSA 12-J:3 as inserted by section 2 of the bill by replacing it with the following:

12-J:3 Duties. The duties of the commission shall be to:

I. Develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and drug abuse, particularly among youth, and a comprehensive system of intervention and treatment for individuals and families affected by alcohol and drug abuse. The statewide plan shall:

(a) Identify the causes, nature and scope, and the impact of alcohol and drug abuse in New Hampshire.

(b) Identify and prioritize unmet needs for prevention, intervention, and treatment.

(c) Recommend initiatives to reduce the incidence of alcohol and drug abuse in New Hampshire.

(d) Identify and quantify public and private resources available to support alcohol and drug abuse prevention, intervention and treatment.

(e) Specify additional resources necessary to address unmet needs for prevention, intervention, and treatment.

(f) Specify evaluation and monitoring methodology.

II. Promote collaboration between and among state agencies and communities to foster the development of effective community-based alcohol and drug abuse prevention programs.

III. Promote the development of treatment services to meet the needs of citizens addicted to alcohol or other drugs.

IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and drug abuse in New Hampshire and to make recommendations to the governor regarding legislation and funding to address such needs.

Amend section 3 of the bill by replacing line 3 with the following: in section 2 of this act on or before January 1, 2001.

Senator Trombly moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 431, relative to certain secondary vocational education programs.

And the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gary Daniels
Brien Ward
John Alger
Robert Guest

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1369-FN-L, clarifying authority to regulate asbestos.

HB 1469, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.

INTRODUCTION OF HOUSE BILLS

Senator Cohen offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1369-1469 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1369-FN-L, clarifying authority to regulate asbestos. **Environment**

HB 1469, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers. **Judiciary**

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Thursday, May 18, 2000 at 10:00 a.m.

Adopted.

Adjournment.

May 18, 2000

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by the Father David P. Jones, Senate Chaplain.

Some things really are a matter of life and death – and when issues that great come before you for a decision, it takes all the strength and energy of spirit, mind and heart that lies within each of you to determine what is the right thing to do. Often it is within that struggle that God speaks. In every choice you make here, your calling is to legislate justice, and not just any justice, but one that is driven by a responsibility based on fairness, on the one hand, and a life affirming ethic on the other hand. Reconciling justice and love is no easy matter, but that is your job here, and it is a vital once, for loveless justice is often nothing more than revenge, and justice-less love is usually mere sentimentality, and either of those things can suck the life right out of us. Let us pray:

O Lord, You have ignited within us the spark of life and imprinted upon each of us the indelible image of Your divinity. Bring Your justice to bear upon any act of contempt or violence or degradation that desecrates a human life. And give to us eyes that can see within every single life the sacred thumbprint of Your holiness. Amen.

Senator F. King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS**HOUSE MESSAGE**

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills and Resolutions sent down from the Senate:

SB 310, relative to New Hampshire state-chartered banks and interstate banking.

SB 316, relative to “most favored nation” or “equally favored nation” provisions in insurance provider contracts.

SB 318-FN, relative to proposed joint maintenance agreements.

SB 332, relative to risk-based capital for health organizations.

SB 367, establishing a prescription drug access study committee.

SB 392-FN, relative to the use of nonlapsed funds by the regional community-technical colleges.

SB 453, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

SB 467, relative to the exemption from regulation of certain elevating devices.

SCR 5, a resolution urging the New England states and New York to consider cooperative strategies to address the challenge of high cost of prescription medicines.

SJR 1, a resolution concerning the status of the White Mountains National Forest within the U.S. Forest Service's forest management plan.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Senate Bills sent down from the Senate:

SB 335, allowing physicians to make a report when a person is unfit to drive a motor vehicle.

SB 399-FN-A, making an appropriation to the fish and game department for the purposes of the wildlife damage control program.

SB 457, relative to ownership of certified public accounting firms.

SB 460-FN, establishing a grant program to reimburse eligible districts served by municipal waste combustors.

SCR 7, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 304, relative to school employee and volunteer background investigations.

HB 521-L, providing a procedure to allow municipalities that have adopted the municipal budget act to override the 10 percent limitation imposed on appropriations not recommended by the budget committee.

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students.

HB 1124-L, relative to local building codes.

HB 1165-FN-L, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.

HB 1377, prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

HB 1424, relative to reevaluation of a person's competency to stand trial.

HB 1431, relative to protective orders in domestic violence cases.

HB 1448, relative to the partition of real estate and division of property.

HB 1607, establishing a study committee to consider legislation reducing to zero the number of persons with development disabilities and persons with brain injuries in the state who are not receiving or have not received medicaid services.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 72, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws.

SB 231, relative to termination of water service from a water utility in the town of Pittsfield.

SB 337-FN, requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

SB 345, relative to real estate transfers.

SB 359, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire.

SB 406-FN-L, prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies.

SB 425-FN, relative to the private activity bond limit.

SB 432-FN-A, relative to state assistance for teachers applying for national board certification.

SB 437-FN, relative to retail selling.

SB 444-FN, relative to methadone maintenance treatment.

SB 461, establishing a committee to study the creation of a flag to honor all police departments in the state.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and /or Senate Bills:

HJR 22, relative to the unintended consequences of the balanced Budget Act of 1997.

HB 312, relative to the carrying of firearms in a courthouse.

HB 427, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

HB 522, relative to the public's access to sex offender registry information.

HB 1102, relative to accessibility of veterans' disability payments in divorce cases.

HB 1107, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.

HB 1130, relative to persons conducting alcohol concentration tests.

HB 1195, making technical changes to the law regulating acupuncture.

HB 1209, relative to the construction and reconstruction of class B and class C dams.

HB 1242, relative to the standard for modification of a child custody order.

HB 1244, relative to the use of certain needle technology.

HB 1335, requiring hospitals to disclose certain information to the attorney general.

HB 1338, increasing the membership of the American and Canadian French cultural exchange commission.

HB 1457, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

HB 1467, relative to the registration of mail-order pharmacies.

HB 1468, relative to the registration of pharmacy technicians.

HB 1562, establishing criminal penalties for violations of orders of protection under the child protection act.

SB 143-FN, relative to penalties for incest.

SB 315, changing the form for writs of execution.

SB 360, adopting a pupil safety and violence prevention act.

SB 376, relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and /or Senate Bills:

HB 1560, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

Senator D'Allesandro moved adoption.

Adopted.

COMMITTEE REPORTS

SPECIAL ORDER

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. Environment Committee. Vote 4-3. Ought to pass with amendment, Senator Wheeler for the committee.

2000-4452s

08/01

Amendment to HB 1414

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. Therefore, the department of environmental services should aggressively pursue options for establishing consistent requirements for gasoline composition on a regional basis. The total environmental impacts on air and water of any proposed regional gasoline formulations should be carefully examined.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

2000-4452s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after January 1, 2000, acquires one or more plants for the manufacture of electricity shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

SENATOR WHEELER: I rise in strong support of HB 1414. This bill focuses on three different issues, all related to the environment. First, the bill authorizes the commissioner of DES to discuss with other states, the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting four-cycle marine engines by the state and others. DES testified that developing a regional gasoline is particularly sound compared to individual state by state and issue by issue efforts regarding motor fuels. DES also supports promoting cleaner marine engines. The department noted that this is a great step forward because conventional two-stroke outboard marine engines are a significant source of pollutant emissions to both air and water. Due to their inherent design, these engines can pass more than 20 percent of gasoline that they use directly to the exhaust where it is discharged to the water unburned. This is a potential source of MTBE and other toxic gasoline constituent contamination in New Hampshire waters. Emissions from new technology outboard marine engines promoting by HB 1414 are approximately 75 percent lower than conventional two-stroke engines. Secondly, this bill extends the reporting date for the committee to study the requirements for and use of MTBE. Third, HB 1414 requires that a municipality planning to acquire an electric utility plant after January 1, 2000 must, prior to such action, certify to the PUC that it understands its obligations relative to environmental regulations, and the plant's potential impact on the municipality relative to what may be required now or in the future for environment improvements. DES supports this section of the bill, all sections of the bill actually, and views this language as simply maintaining its current levels of environmental and public health protection. The department feels that if municipalities are not willing to pay for these improvements, then perhaps they should not be permitted to purchase electric utilities. Certainly we cannot just abandon our environmental safeguards because the municipalities are afraid that they might have to pay something. Finally, the amendment to this bill, which I have introduced in committee, removes the language which would have allowed the commissioner of DES to consider

cost effectiveness when setting ambient groundwater quality standards. I believe that the language could be misconstrued or misinterpreted in such a way that saving a few dollars would become more important than the safety of human health or the environment. I urge you to support these environmental initiatives and vote HB 1414 ought to pass with amendment. Thank you.

Amendment adopted.

Senator Below offered a floor amendment.

2000-4582s

08/01

Floor Amendment to HB 1414

Amend RSA 38:37 as inserted by section 4 of the bill by replacing it with the following:

38:37 Municipal Electric Utility Certification of Understanding. Any municipal electric utility that after July 1, 2000, establishes, expands, takes, purchases, leases, or otherwise acquires one or more suitable plants for the manufacture of electricity and sale to customers beyond the bounds of the municipality in accordance with this chapter shall, prior to such action, certify to the chairperson of the public utilities commission that it understands that by undertaking such action it will be subject to all environmental and safety regulations regarding such plants, and that no future environmental or safety regulation of such plants shall in any way be construed as "new, expanded, or modified programs or responsibilities" under part 1, article 28-a of the state constitution.

2000-4582s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after July 1, 2000, acquires one or more plants for the manufacture of electricity and sale to customers beyond the bounds of the municipality shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

IV. Provides that the commissioner of environmental services may consider cost effectiveness when setting ambient groundwater quality standards.

SENATOR BELOW: I rise to move adoption of the floor amendment. This amendment addresses section four of the bill. The municipal electrical utility certification of understanding. It makes two changes. It changes the date so the date says that "Any municipal electric utility that after July 1, 2000," instead of January 1, so it truly is a prospective provision, "establishes, expands, takes, purchases, leases, or otherwise acquires one or more suitable plants for the manufacture of electricity" and here are some new words "and sale to customers beyond the bounds of the municipality". Then it goes on to require that in that event

that they do so with the understanding that future environmental or safety regulations of such plant shall not be construed as non expanded or modified programs of responsibilities under part I, article 28-a of the state constitution. This is to address a concern that has been raised by the Municipal Association that this kind of language is somehow violating 28-a. I would like to remind the Senators what 28-a says, it says, "the state shall not mandate or assign any new expanded or modified programs of responsibilities to any political subdivision in such a way as to necessitate additional local expenditures." So it says that the state shall not mandate or assign new responsibilities. This is not about mandating new responsibilities that have to be funded locally. What this is about is saying that if municipalities want to acquire existing electric generating plants or build new ones, that they have to do so in a way that is consistent with the regulations that the private sector has to comply with. I would note that in RSA 374-F:3 our restructuring statute, we have a couple provisions. One is entitled "full and fair competition" and it states that the rules, and it is a principle concerning restructuring the electric utility market. It says that the rules that govern the market activity should apply to all buyers and sellers in a fair and consistent manner in order to ensure a fully competitive market. It is the simple notion that there should be...that we are going to have competition in generation of electricity. It has to be on a level playing field. What this says is that on a prospective basis, if municipalities want to get into the business of selling to customers outside of their municipality, in the competitive electric market, they should do so with the understanding that they will play by the same rules that the private generators have to work with in terms of environmental and safety regulations. I don't believe that this violates 28-a, and I think that this is logical. We have the power to say that they simply can't engage in this business, that they can't be allowed to purchase electric generation plants going forward to compete for customers outside of their municipality. So in lieu of saying that they can't do this, I think that it is better to say that they can, but they do so with the understanding that it is going to be on a level playing field. Thank you.

SENATOR WHEELER: I rise briefly to speak. I support Senator Below's amendment. I think that it is a thoughtful approach to the concerns that have been raised by the municipalities. It certainly is not a 28-a violation. Thank you.

Floor Amendment adopted.

Senator Russman moved to have **HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards, laid on the table.

Adopted.

LAI D ON THE TABLE

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study

the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

NOTICE OF RECONSIDERATION

Senator Gordon served notice of reconsideration on **HB 1627**, relative to the exchange of certain land in the town of Rindge.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Insurance Committee. Vote 5-3. Inexpedient to Legislate, Senator Wheeler for the committee.

SENATOR WHEELER: This bill would allow the Department of Administrative Services to develop a medical savings account plan as a health care benefit option for state employees, contingent upon the passage of federal legislation authorizing such. The majority of the committee felt that this legislation is unnecessary and an interference in the collective bargaining process. Should the federal government authorize medical savings accounts, they could be proposed at that time, by the state or by the union, as part of collective bargaining. The majority of the committee recommends this legislation to be inexpedient to legislate.

SENATOR BROWN: I rise in opposition to the committee report. I apologize that I didn't get to the hearing. As a self-employed person and a person who works with lots of small businesses in the state, it is very difficult to find medical savings accounts. This bill doesn't address that, but it does start it with the state employees, which I think, is a very important first step. House Bill 1510 as before you today is inexpedient to legislate from Insurance. Please consider that medical savings accounts for state employees would reduce future increases in state health care cost, provide state employees with more choice, put the patient and physician back in charge of the provision of health care, and in many cases, provide leftover savings in unspent healthcare dollars that the employees can keep by rolling over into future years, similar to an IRA. House Bill 1510 is simply enabling legislation and would be put in place only when and if the state employees accepted it as part of their collective bargaining this fall. There is legislation currently being hammered out in congress, in a Committee of Conference to expand this program so that large groups, such as the state employees, would have this option. If that fails to be hammered out, I have requested to the sponsor of the bill, that the congressional legislation be amended to include a pilot program in New Hampshire. The only entity that testified against the bill in committee, in either the House or the Senate, was the state employees. Their main objection was that the state could bring this to the table anyway. The House ED & A Committee did not agree and felt that the language of this bill enables it clearly, since negotiations happen before the next legislative session, plus where a legislative policy recommendation to take it to the table makes it have much greater standing as a serious option. There is a place for medical savings accounts for catastrophic high deductible policies. That is what my husband and I do. We can't afford the regular insurance policies, so we have a \$5,000 deductible. We want a medical savings account, but we have so few carriers here in New Hampshire that it is almost impossible to find them. Each employee would be provided such a policy, as well as a savings account with 75 percent of the deductible placed in it for their

use. I think that this is a pro-active bill. I don't see it as a dangerous bill at all. I think that it would be an option for the state employees. I would encourage you to not support the committee and support ought to pass. Thank you.

SENATOR FRANCOEUR: I rise not to reiterate anything that Senator Brown said, but everything that she had mentioned, came out in the committee. Being on the minority of the committee which recommended this, I feel as an ought to pass, but failed in committee, I come to you today to reiterate that this just creates options for those that are involved in the state health plan. It is not a mandate. It does not require them to agree to it. It just puts an option on the table. This item would have to be negotiated from both sides, to even bring it forth to the table to be discussed. Medical savings cards are great. They work like credit cards. It gives you the ability to walk into any doctor's office or dentist office, or anybody that will even take their services, because they all work as a credit card. You can use it for glasses, teeth, dentures, kids braces, chiropractic. You can use it for anything medical related. I would urge the Senate today to support the minority of the committee, and pass this legislation so it would just be enabling that we could bring it forth. Thank you.

SENATOR GORDON: Senator Francoeur, I am torn on the bill because, personally, I would like to have a medical savings account. Unfortunately, this doesn't do it for me, but the description that I have heard of the benefits are benefits that accrue to the state employees, but then what I am hearing is that the state employees are the ones that oppose it. So I guess that I am trying to figure out why I am voting for something to help the state employees if the state employees don't want it?

SENATOR FRANCOEUR: **TAPE CHANGE** lobbyists and I sat down and asked one of them why would they oppose an option that could be brought forward? I think that there are a lot of misconceptions with a lot of people on how they work. The one that I spoke to didn't understand how the MSA account works. This is what I have. I have an MSA that works like a credit card. You can see it here, it says VISA on it. It works just as a debit card when you walk into any doctor's office or any dentist office that you want. I think that as the employees get to understand it, that you can bring it forth, then they could enact it. Currently, if you don't have this change, and if you read the House ED & A committee report, the reason that they passed it is because you couldn't even offer it as an option.

SENATOR GORDON: The second question that I have, not being on the committee, and not understanding...and I understand that the union doesn't always necessarily represent the full membership, in terms of their point-of-view. Were there other state employees who did come to the hearing, who testified that they wanted it, even though the union testified against it?

SENATOR FRANCOEUR: The only one that opposed the bill in committee was the state employees lobbyist, and like I said, I talked to him after.

SENATOR GORDON: Were there any state employees who came to support it?

SENATOR FRANCOEUR: No, there were not, Senator Gordon.

SENATOR MCCARLEY: In response to Senator Brown's statements. I think actually Senator Brown's statements echo why the SEA employees were concerned. By virtue of passing this, it gives it a policy implication going to a negotiating table, that I think, can make employee unions feel uncertain about things; therefore, I think this is, at this point in time, a very bad idea, in terms of its impact later on, to collective bargaining. I would highly encourage us to take up the committee adoption of inexpedient to legislate.

SENATOR FRASER: I didn't plan on speaking, but I stand here in support of the majority of the committee. Senator McCarley just reiterated what I was going to say, namely, that the bargaining agreements exist between the executive and the SEA. What this bill would do is it would be an issue that would be put on the table as a bargaining issue. The SEA is concerned about that. They don't feel that this is a legislative prerogative. I was very comfortable voting with the majority of the committee as inexpedient to legislate.

A roll call was requested by Senator Brown.

Seconded by Senator Francoeur.

The following Senators voted Yes: F. King, Gordon, Fraser, Below, McCarley, Trombly, Disnard, Fernald, Squires, Pignatelli, Larsen, J. King, Russman, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Johnson, Roberge, Eaton, Francoeur, Krueger, Brown.

Yeas: 18 - Nays: 6

Committee report of inexpedient to legislate is adopted.

HB 1548-FN, abolishing the death penalty. Judiciary Committee. Vote 5-1. Ought to Pass, Senator Cohen for the committee.

SENATOR COHEN: As the only Senate sponsor of this bill, it is a real honor to give the committee report. I will be brief. I will not dwell on the reasons for abolishing the death penalty. We are all familiar with them. Many persuasive and eloquent speakers who addressed the Judiciary Committee confirmed them. I wish that all Senators could have been there to have heard the testimony. There is no evidence that capital punishment deters capital crime. Executions cost as much or more than life sentences. Innocent people are sentenced to death. Many of them brought their stories to us. One is here with us today. He was sentenced to death and he was later found to be innocent. Revenge does not equal justice. The event of killing does not equal the process of healing. The threat of capital punishment has no place in plea bargaining. Merrimack County attorney, Michael Johnson said that when prosecutors use the death penalty as leverage or intimidation, it is "unethical and obscene in the same manner that extortion is a crime." I would like to address the only argument offered to the committee in favor of capital punishment. Namely that some crimes are so heinous that death is the only just punishment for those who commit them. If there were truth to this argument, the inmates of death row would be distinguished by the brutality of their crimes. Instead, they are distinguished by their poverty and their color. Many of them are mentally

or psychologically impaired. Of course, some may also stand convicted of heinous crimes, but they are facing execution because of who they are, and not what they did. More affluent defendants convicted of similar crimes are seldom, if ever, sentenced to death. What after all is heinous crime? We should remind ourselves that for much of this century, in many states, it was a heinous crime for a black person to kill a white person, but not for a white person to kill a black person. In New Hampshire, as our law stands, a school teacher who kills a police officer could be executed, but a police officer who killed a school teacher could not. In New Hampshire, as our law stands, one drug dealer who killed another could be executed, but a man who killed his wife and children could not. In New Hampshire, as our law stands, a serial killer who killed a dozen people could not be executed as long as he did not kill in the course of kidnapping, drug dealing or aggravated felonious sexual assault, and as long as none of his victims was a police officer or judge. What makes one killing more heinous than the other? A law that places different values on different lives cannot be a just law. The death penalty has no place in a humane, judicial system. I urge us all to support the committee report and make New Hampshire legislature the first in the United States to vote in favor of repealing the death penalty. The world is truly watching. As I understand it, in Italy, they are prepared, after our vote, should it be in favor, to light up the coliseum. I believe that our vote today will be the beginning of the end of the death penalty in the United States, and as such, it is a very proud moment for New Hampshire. Thank you very much.

SENATOR BELOW: We all know that the taking of the life of another human being, homicide, is as a rule, fundamentally wrong and evil. Thou shall not kill is the sixth commandment. Most of us do recognize an exception to this rule for self defense. It is no crime to kill in defense of one's own life or that of another innocent person. Perhaps the most difficult and heroic of acts is to face death in combat, to defend one's nation, freedom and democracy. Today, we contemplate another possible exception, the death penalty. A form of state sanctioned, premeditated homicide, made legal by the act of this general court. Part I, Article XVIII of our New Hampshire Constitution says "All penalties ought to be proportioned to the nature of the offense." The question today is, do we believe that the penalty for the worst murders should be death by execution or life imprisonment without any possibility of parole? In truth, we all seek to do the right thing. Nothing about this issue is easy. While some see this choice clearly, without ambivalence, most of us are conflicted. I have felt the anger and outrage of one who has seen the precious life of another extinguished by senseless homicide. I have felt such rage, such a passion to see evil brought to justice, that if given the chance, I thought that I could volunteer to be the executioner. I have struggled to reconcile such an urge for retribution with my own core values and beliefs, that human life is sacred. That when possible, we should choose life over death, good over evil, the possibility of redemption over destruction, of healing over revenge, love over hate. Why should we vote to abolish the death penalty today? Can it make sense in a civilized society, for the state to execute, to commit homicide, to kill, in order to teach that killing is wrong? Why would we do this? Article XVIII of our constitution that began by stating that "All penalties ought to be proportioned to the nature of the offense" concludes that "the true design of all punishments is to reform, not to

exterminate.” Now I suppose that if the threat of the death penalty were to deter murderers, there might be an argument that its presence in law reforms society, if not the individual criminal, and as such, is a form of self defense. However, there is a complete lack of any such empirical evidence to indicate any deterrent effect. Besides, it is probably safe to assume that murderers simply do not think like us, like normal, rational people. They must either think that they will not be caught, or they do not care, or think about consequences at the passionate moment in which they kill. Deliberate consideration of the laws and their penalties, weighing life imprisonment, versus lethal injection, just does not happen by those who murder. We do have another essential task to consider to ensure that society is protected from ever again, being victimized by those who commit the most heinous of murders. In this Live Free or Die State, we can achieve this goal by saying that for those who are guilty of the worst murders, we will lock them up and throw away the key until the day they die. They will be denied their freedom for the rest of their natural lives, with life imprisonment, without any possibility of parole. We can secure our safety, our self defense, without executions. Part II, Article 83 of our constitution makes it a duty of our office, as legislators, to “inculcate the principles of humanity and general benevolence” among the people. “Inculcate” meaning to impress upon the mind by persistent urging. “The principle of humanity” civilizing, refining, having what are considered the best qualities of human kinds, tenderness, kindness, mercy, compassion. We are to “inculcate the principle of humanity and general” or widespread “benevolence”. Meaning any inclination to do good, goodwill or charity. Thus, it is our sworn duties, as leaders of this body politic, to foster the best qualities and the most potential for good in the people of our state. These constitutional principles point to a very basic problem with the death penalty. It denies the possibility of redemption and reform. No matter how great the sin or how evil the crime, who are we to deny that through God’s love a human spirit might be redeemed, changed and transformed? That true regret and remorse might lead to repentance, atonement, even some healing? That the best qualities of humanity might be more fully realized. Who are we to deny such a possibility? Two thousand years ago, Jesus said, that thou you have heard an “eye for an eye and a tooth for a tooth”, I tell you that you should not set yourself against those who wrong you, that though you have been told “love your neighbor – hate your enemy”, I tell you to love your enemies and pray for those who persecute you. Jesus espoused the dignity and worth, the potential for redemption and good, in every human being. Who are we to deny it? Two hundred years ago, John Newton wrote the words “Amazing grace, how sweet the sound, that saved a wretch like me, I once was lost, but now am found; was blind, but now I see.” John Newton, that lost and blind wretch of a soul, was a slave trader. He plied the coast of Africa, purchasing slaves by the handful, shackling them below deck in terrible deprivation for months at a time, while he tried to fill his hold with human lives. By his own account, scores of slaves, scores of innocent men, women and children, died and were buried at sea, unceremoniously tossed overboard while in his custody as he commanded slave trading ships in the 1750’s. In another time and place, in another jurisdiction, John Newton might have been found guilty of capital murder and subjected to the death penalty for his horrific crimes against humanity, for the deaths that he was directly responsible for. Instead, by the amazing grace of God he saw the light, re-

pented, was redeemed and found. Instead, John Newton became an eloquent and influential leader of the anti-slavery movement that led directly to the abolition of slave trade under English law – and he gave us the hymn, “Amazing Grace”. Who are we to deny the possibility of redemption, true change and healing? Two years ago the state of Texas executed Karla Faye Tucker who had brutally murdered Deborah Thornton with a pick ax. During her 15 years on death row, she underwent a religious conversion “that, according to people who knew her” was sincere and “redirected her life” in prison to serving “God and helping others.” She expressed regret for her crime and apologized to the relatives of her victims “even as she was strapped to the gurney: for her lethal injection. In an unusual turn of events, the victim’s brother, Ron Carlson, became the first known victim’s family member to witness an execution on behalf of a murderer. Ron originally supported Karla’s death sentence, telling prosecutors, “I think they got what they deserved.” After struggling for years with his loss and pain, Ron ultimately forgave Karla and worked hard to commute her death sentence. In the publication, Not in Our Name, that you all received from Murder Victims Families for Reconciliation, Ron says, “The world is not a better place because the state of Texas murdered my only sibling – my sister, Karla, who had raised me after our mother died. I stood with her as one of her witnesses as she was executed. I was there to stand up for the Lord, for the strength of his love. Karla and I had both done a lot of wrong in our lives. We had both turned to drugs to heal our pain, we had both hurt a lot of people. But the love of Jesus Christ transformed us. We were able to forgive ourselves and each other. “I love you Ronnie,” was one of the last things Karla said. “I still carry that love with me.” Who are we to deny, through execution, the possibility of redemption? Who are we, to foreclose, through the death penalty, “the prospect of genuine moral change?” We have been 61 years without an execution in New Hampshire. We do not need the death penalty in New Hampshire. The eyes of the nation and world are upon us. Let us set an example and become the first legislature in this nation since the 70’s to vote to abolish the death penalty as we enter a new millennium, when virtually all civilized and democratic nations, save ours, have abolished the death penalty; and most such nations will not even extradite accused murderers to states where they might face execution. Our desire for justice, retribution, and even revenge, comes to us naturally. But why let murderers debase our values and diminish our love for life? Why allow murderers to make us participants in perpetuating cycles of violence and revenge? Why drag all of us down by placing the blood of unnecessary killing on all of our hands? The death penalty does not advance the cause of justice. It does not deter. It is morally wrong; and, incidentally, it is a serious waste of the taxpayer’s money. In case you haven’t heard, each death penalty that we as a state seek to impose is likely to cost all of us on the order of \$1-\$2 million more than the cost to impose and carry out a sentence of life imprisonment. I can think of a lot better uses for such money, especially if our goal is to reduce the incidence of crime, violence, and victimization; and instead, increase the peace. In conclusion, I urge you who are in doubt about whether to abolish the death penalty, to yield your doubt on this question to those who strongly believe that it is wrong in a democracy to place all of us, as citizens of this state, as a body politic, in the role of executioner and premeditated killer. Please yield your doubt

in favor of life, humanity and general benevolence. Yield your vote now in favor of the power of love, the strength of compassion and civility, and the possibilities, yes, the possibilities, of redemption, reform, forgiveness and healing. Thank you.

SENATOR KRUEGER: As many of you know, if any of you have had the time or the interest to follow my political career, that I have been a stout supporter of the death penalty. I felt that it was based very strongly in the conservative principles of justice. But I have also, at the same time, stood before this body and the one across the hall, as well as many friends and foes to defend life. In fact, if anyone were to describe me, one of the first words or phrases out of their mouth might be, "Senator Krueger, she is pro life." Well, Senator Krueger is pro life. So I stand here in front of you today, and I tell you that I have in fact, changed the position that I have held for so very long. I stand here in support of repealing the death penalty. But I tell you that decision comes because of the pro life stance that I take. I ask every one of the people in this room, who as eloquently as my friend Senator Below has described to you, who stand here compassionate and utter words of who are we, and who are we to doubt justice, and who are we to take the life? I beg every one of the people in this room who have with their own set of values and consciences, voted in fact, against the other end of life. The truly innocent, for if we have in fact, turned our hearts and our minds, to protect the guilty, then who are we not to protect the innocent? So I will vote to repeal the death penalty, but I beg every one again, to consider my words. For truly to be pro life, is to be pro life. Thank you.

SENATOR RUSSMAN: I hadn't actually thought about speaking today, and I didn't have any prepared remarks, but this has been a tumultuous piece of legislation, in terms of getting a lot of mail and a lot of calls and so on and so forth. I guess that I would say...and I rise on the other side. I guess that I have decided that I am going to vote to keep the death penalty the way that it is. When I first started practicing, almost 28 years ago, it was rare to have a murder case going on in New Hampshire. Over the years, it has now become quite commonplace, to have murder cases going on and trial cases going in every county in the state. When I first started practicing, I was opposed to the death penalty, and over a period of time, I came to believe in the death penalty because of the nature of the heinous crimes that people have committed. I can remember my early years as a lawyer, I represented a fellow on an extradition proceeding who had helped stomp a florist to death down in Amesbury many years ago. That was my really only experience with a capital case as time went on. But, I guess that the fact that we haven't used it in 61 years is perhaps, maybe, one of the most compelling reasons that New Hampshire ought to keep it. If we had the problems that Texas had, if we had the problems that Illinois had, perhaps it would be another matter. I am told that Texas actually has a permanently rented room in Washington, D.C. so that they can go and argue the case...the habeas corpus and so on and so forth that come before the United States Supreme Court on a moment's notice, and that it costs a lot of money to do that. But I don't think that money, in this case, is the issue. I think that we cannot turn our backs on a lot of the victims and/or their families. We cannot turn our backs on our law enforcement people. What I thought the other day, with the advent of DNA, particularly, to me, an important breakthrough for both sides. I think that...and we have no one

here in New Hampshire on death row, so it is not an issue that we are imminently going to put somebody to death and we have to be concerned about that. We have been very judicious, the prosecutors have, in terms of their applications of the death penalty. I think that while people may think that it is unethical or what have you, to use it as a bargaining tool in the plea bargaining negotiations, I don't agree with that. I think that it is there and I think that while we all...and I have a great deal of respect for my fellow Senators who spoke earlier, and I know that they speak from the heart, in terms of their beliefs and what they have represented to you, but I think that certainly, in a case that was given earlier, when they talked about the teacher killing the police officer should be executed, well I think that the police officer that kills a teacher probably should be executed just as well. Certainly there should not be an exception one way or the other. While it may sound harsh, I think that it does serve a legitimate purpose. I have given it an awful lot of thought in terms of my belief system, and I think that if it does pass the Senate today, I would urge the governor to stand firm and to veto it, as soon as it hits her desk. Thank you.

SENATOR SQUIRES: I have more occasions than I can recall, walked in the shadow of death. I have talked to people in the morning and they have died in the afternoon. I have seen people die on the operating table, in the emergency room and gone to the autopsy room. This Saturday I am going to do the eulogy for a woman that I took care of starting in 1974. Every time I have witnessed that, there is this...in me...this remarkable emptiness that whatever happens when the spirit departs the body, and under whatever circumstance, you just see that, and marvel that we could, under some circumstance, do that, deliberately, to an individual. I have thought about this also to an enormous degree. The deterrent argument makes no sense to me. The state of Massachusetts, which does not have the death penalty, has a homicide rate, a fraction of the state of Texas, which does. How can you possibly link those two things? The thing that bothers me, on the moral judge, are the judgements that our statutes ask us to make. It obviously puts a greater value on the life of certain individuals in certain circumstances. In our district, Senator Pignatelli's district, a social worker walking down the street, doing his job, is shot and killed. A woman in the parking lot of Sanders is cut down. It would seem, if you read our statute, that their life or certainly the punishment meted out to the perpetrators of those acts, is worth less, or the punishment worth more than the circumstances prescribed in the law. At the hearing, we were led to believe that the killing of four people, Mr. Drega, is worse than the killing of one. This, I believe, is a moral maze. You cannot reason logically through that. It is fundamentally wrong on every level, but particularly that one. For we value certain humans seemingly more than others is not what we ought to do. I urge you to vote to abolish the death penalty, which I think is very much in keeping with the kind of state that we are. Thank you.

Recess.

Senator Cohen in the chair.

SENATOR PIGNATELLI: I want to start by brief remarks with this: I despise the actions of, and the results of vicious criminals conduct. I believe that my record against crime is as tough as any legislator in New Hampshire. Crime has changed the way of life in America, and we should

not put up with it. I am pleased to see that we are showing more determination in reducing crime and its ravages. If there is one thing that I have learned in my time as a legislator though, is that one has to be a listener. One has to listen and hear, all points of view. In many cases, withhold **TAPE CHANGE** Judiciary Committee heard over five hours of testimony. **TAPE INAUDIBLE** many from New Hampshire and many from distant corners of the world. My phone has been ringing. With all of this input, with all of the reading that I have done, and with a lot of soul searching, I have decided to support this bill to end the death penalty. My reasons are many, but to make this brief, I list a few. 1) Since this issue is one which raises moral questions, I listen to leaders of the Catholic, Jewish and Protestant religions, all oppose the death penalty. 2) I pay attention to the sentiment of the majority of our House members who have passed this bill, perhaps the best poll of public sentiment on this issue. 3) I cannot discount the overwhelming outpouring of opinion and feeling against the death penalty demonstrated in our public hearing, and in the mail and comments that I have received. 4) I have taken note of what other countries of the world have done. I choose to side with the vast majority against the death penalty as the few who are represented by Iran, Iraq and China, who will support the death penalty and whose values do not appear to be consistent with ours. 5) I take into consideration that New Hampshire has not had the need for an execution since 1939. 6) Importantly, I am influenced heavily by the life without parole sentence, now mandatory in first degree murder convictions in New Hampshire. The Carl Drega's of the world do not ever get out of New Hampshire prison once they are convicted. My guess is that many convicted murderers may prefer execution to life without parole. This is a tough sentence. Tough on crime. 7) I believe that we have an excellent judicial system in this country and in New Hampshire, with an army of good people trying to do justice, but I don't believe that the system is infallible. Innocent people do get convicted. We know that the governor of Illinois has come to see that. We know that the state of Maryland knows it. Its jury convicted Kurk Bloodsworth of capital murder. He came before our Judiciary Committee to tell his story. He was sentenced to death. He filed an appeal, had a new trial before a new jury, and was convicted again and sentenced. This time to two consecutive life terms. He served nine years in prison, most of that time on death row. Then, by the science of DNA, he was proved to be innocent. Fortunately for him, his family, and the criminal justice system, including two jury panels, trying to do right, he was not put to death. So mistakes are made. I could go on longer with other reasons, but I will stop now, with my vote to stop the imposition of the death penalty here in New Hampshire. Thank you.

Recess.

Senator Wheeler in the chair.

SENATOR TROMBLY: I didn't end here today where I thought I would when I began this journey in trying to decide how I would vote. For my entire life, I have supported the death penalty. I would call it a no brainer. But after listening to people who testified to the Judiciary Committee, it became a brainer. I resolved the issues, most of them, dealing with the imposition of the death penalty, in favor of keeping it. After all, we have a limited statute here in New Hampshire. We do provide good counsel. We are not a state with a large number of minorities. We have no one on death

row, and quite frankly, I don't know if it deters someone or not, because in order to prove it is a deterrent, you have to prove that a murder did not occur, and you can't do that. As for money, if we are going to take someone's life, we should give them as much time, and as many appeals as possible, and not complain about the cost of that, because it is their life on the line. Quite frankly, I believe that if you kill a cop, it is justice if you receive the death penalty. We are a society of laws. We call upon certain people to protect us from those who don't respect the laws that we pass here. If I am a victim of a crime, and I call 911 and someone responds, and takes the bullet for me, then I don't think that lessens my quality of life, than if somebody had killed me they go to jail for life, but if the cop takes the bullet, they get death. I don't think that lessens the quality of life. We are asking those people to enforce the laws and to step in harms way for us. So I think that if you kill a cop, it is justice. But, justice is weighed in scales in this nature. In New Hampshire we have Mr. Buchanan, and we have Mr. Drega. Now Mr. Drega is easy. We know that he killed four people in this state. Mr. Buchanan was accused of murder and was innocent. He is the tough one. Because it is justice to take the life of someone who kills people. It is not justice to take the life of someone who is falsely accused and did not. For that reason, I will do what I can to see that that injustice never occurs in the state of New Hampshire. So while I began on this journey in favor of the death penalty, I have reached a conclusion that I will vote to repeal it. Thank you, Madame President.

Recess.

Senator Hollingworth in the chair.

SENATOR WHEELER: A quick remark to one of the honorable Senators from Manchester. I won't go into a long argument here, but the equation is not quite right because we have never talked about state sponsored or state required abortion, whereas the death penalty is state mandated execution. One of the things that I learned in the hearing that Senator Pignatelli did such a good job moderating, is that it is not a deterrent, you have heard that many times. The only person that it deters is the one who is actually executed, but that individual can be equally deterred from committing more crimes by life in prison without parole. Many of us have spent a great many years of our adult lives wrestling with this issue. I remember in the 50's sending a dollar I believe to the state of New York in an effort to abolish the death penalty. So even as a teenager I was thinking about this and I have continued to think about this. I have continued to wrestle with it. It is not easy. After I became a mother, I thought, if anyone murdered my child or any other child, I would want the death penalty for that person. One of the parts of my journey has been listening to the families of victims. Listening to the sons of fathers who have been murdered. Listening to a father whose daughter was killed in the Oklahoma City bombing. Listening to other family members who got over their rage, who got over their desire for vengeance and who have taught me, that you can't rank the heinousness of a crime. You can't say murdering a child is so bad that we are going to have the death penalty for that person. What makes one life more valuable than another life? We can't rank that in law. Nor can we make those decisions in the legislature. I refuse to be an executioner. The death penalty is state sponsored murder and we are all part of it. We are all executioners if we allow this.

That is not a choice that I want to make, nor a choice that I think that I should make, nor a choice that I think that I have a right to make. Our statute is seriously flawed. It is unworkable and it is probably unconstitutional. Why should we keep it on our books when it is flawed both in its drafting and its moral position? I urge you to vote in favor of repealing this intolerable statute.

SENATOR D'ALLESANDRO: I rise to speak against this piece of legislation and I will vote against this piece of legislation. Of the people seating in this Senate, I am probably the only one who was here in 1974 when this statute was crafted. I voted for it then. I thought that it was the right thing to do. I believe that it does good for the people of New Hampshire. I think that it is very important for us to realize that when we look into our hearts, we make a decision, and each one of us makes that decision. Each one of us will make it for a variety of reasons. That decision is painful. It certainly is painful, but we must make that decision. When we do make that decision, we come up with a purse justification for it. My justification is this; When an officer, in the line of duty, is attacked or murdered, there should be retribution for that. When an individual is murdered, a heinous crime, there should be retribution for that. Until you have been a part of that, and witnessed that, we make the high moral ground. But when a person in your family has been brutally murdered, then you think twice about it, and you say, "how can I live while that person lives?" When that person has taken the life of someone who I loved? That person has been taken away from my family. And that person doesn't come back. Now if we believe in eternity, and if we believe in our just rewards, and if we believe that eventually, all of us are forgiven for our crimes, that is a very high moral value, and it is a very high moral state. But here on this earth, forgiveness is a tough situation. It would be very hard for me to forgive a man who killed 135 people, as the Oklahoma bombing represents itself. It is very hard for me to forgive that. Little children were killed. They had their whole lives ahead of them. They had great expectations ahead of them. They are gone. They are irreplaceable. Our death penalty is narrow. It is focused. We tried to expand this death penalty. We tried in the House two years ago, it was voted down. I respect the will of the people. But I tell you this, I have lived with my decision for 27 years. It was the right decision 27 years ago and it is the right decision today. I will stand by it and I will go to my grave, supporting what I think was the right thing to do. Thank you, Madame President.

SENATOR MCCARLEY: Very briefly. Several weeks ago, Senator Krueger kindly described me as passionate. I was pleased by that and very happy to accept that description. I had not really planned to speak on this, but I realized when I was phoned by the press, and I was the 23 of the 24 Senator that they were asking. I said that I have been opposed to the death penalty, as far as I am concerned, since I was born, but certainly since eighth grade when I was forced to debate the other side of it, in my first debating class, and then I realized how passionate that I was about something. Maybe it has to do with being raised as a Southern Baptist, where we take a lot of things in the Bible seriously, and this is an area for all of my passion that you have never heard me discuss. You have never heard me discuss my connection with religion, because I don't wear it on my sleeve. I happen to be a Congregationalist now. I do firmly believe that my passion is rooted in something from Roman's, and I am going to briefly

quote and then I will be done. It is a quote that I did two years ago on the other bill. You can imagine where I was on it. The scripture reads "Beloved never avenge yourselves, but leave it to the wrath of God, for it is written that vengeance is mine, I will repay, says the Lord. Do not be overcome by evil, but overcome evil with good." Thank you.

SENATOR FERNALD: I am not going to speak to moral and philosophical issues. Other people here and before the Judiciary Committee, did a much better job than I could ever do. But I do want to speak briefly to this issue, from the point of view of a lawyer who has been part of the judicial process. What I will tell you quite honestly is that it is a process that makes mistakes. I do not say this as a criticism of our judges and of our juries. I am simply making an observation, that we are all human, we are all prone to error at times. I think that there have been some recent events that point this out very clearly. The first one that comes to my mind is the resignation of Justice Thayer. We expect our judges to be impartial, and yet, here was a judge who was not impartial. Was trying to affect the outcome of his own case by selecting who was going to be the judge. And there was implicit in his action there, a recognition by him, that the process is not perfect, because he recognized which judge selected for a case can determine the outcome. In a capital case, the judge or the jury that you get can make the difference between life and death. The other recent event that I think is relevant is the scandal in the Los Angeles Police Department, where 60 people now have been released from jail, and yet, we found out that these are all innocent people. Most of them plead guilty. They were framed by the police and they were generally poor, many of them were Spanish speaking, and they did not have the money to hire an attorney. They did not have adequate access to counsel, they were trapped, and a guilty plea was their only way out, because if they asserted their innocence, they would have gotten a longer term. These are just two examples of a system that is flawed. I do not think that we should impose a capital punishment which cannot be undone, if we have indeed made a mistake. Thank you.

SENATOR FRANCOEUR: I wasn't going to speak when we started today, but being a prime sponsor of expanding the death penalty in New Hampshire two years ago, I felt compelled to speak. As I sit here and listen to the different arguments, I think of all of the arguments of the Senators that served in the past. Senator D'Allesandro talks about in the 1970's and how other narrow crafting of the current statute came about. As I listen to Senator Cohen in his opening remarks about how is it different for one individual and not another? When I tried to expand the death penalty, I felt that it wasn't different, whether it was a police officer or a mother walking down the street. This issue is always going to be a moral issue for everybody that is here. I think that as you go back and you look at some of the history of how our laws came about, I think that you will find that the death penalty has been on the New Hampshire books for some time. It is one that I am sure that our forefathers way back, hundreds of years ago, put in place. Why? You should go back, and go to your small towns. Who are your legislators? Most of those legislators, at that time, were your pastors and your biblical teaching people. Most of New Hampshire's laws when they were instituted were based on biblical principles, which we heard today as you listened to the commandments, "Thou shall not kill." Also as I have listened to different pastors, I always hear that scripture doesn't conflict

itself. Then I go to Exodus, and in Exodus, there is a section in there that talks about your stone or murderer. How do you get two conflicting answers? I wrestled with that for years. I would be glad to talk to people afterwards about it. As we take scripture and we interpret it, "Thou shall not kill", I believe that when you go back and look at the interpretation, it is "thou shall not murder." Murder is killing an innocent person. A person who commits murder is not innocent. That is how I can stand here today and say that I support the death penalty. An innocent person to me, is when the Senate sits here and we don't pass a partial birth abortion ban, that is an innocent person. Yes, as we go through time, can we forgive? Yes, I believe that we can. As Senator Below said, "Christ tells us to forgive." I think that he is right. I won't argue with that one bit, but, we all must suffer the consequences of our actions. As we listened about Karla there in Texas, I believe, yes, she came to know God. Do I think that she is better off today with him, than here? Yes, I do. I think that as we all reason with our own moral issues, we know where we are going, we can vote our conscience.

SENATOR LARSEN: I am honored to be serving with this group as we wrestle with one of the most difficult moral issues, governmental issues that faces our state. I think that each person in this room has listened to their conscience and looked into their hearts where they can stand on this issue. There is still, I believe, an understanding of the public, slightly, towards supporting the death penalty. But I think one of our jobs is to educate ourselves, and also educate those who we serve. Those of us who work every day in this building, take a lot of time to educate ourselves on the issues. So I want to take just a quick moment to put out for the public as well as for ourselves, some of the reasons why it makes sense to repeal the death penalty. Often times we hear this death penalty saves the state money. A Duke University study conducted in 1993 found that the death penalty costs \$2.16 million more per execution than does a typical life imprisonment. In Texas, according to a Dallas morning news survey, a death penalty costs an average of \$2.3 million, roughly three times more than the cost of imprisoning someone in Texas for 40 years. Many people think that we need the death penalty because we don't want to be spending money on criminals. Obviously, that is not true. It does not save money. The second question that we ask ourselves is does it deter crime? Statistics show that in states with the death penalty, homicide rates are higher than in those states without the death penalty. That then begs the question of which is the cause and which is the result? In 1994, there was a study of deterrence that focused on death penalty states and the murder rates of police officers. The researchers found that police officers were not afforded additional protection, nor consideration in death penalty states, than in those without. Finally, most importantly, we have to ask ourselves, is this a moral law in which we, as a government, should be imposing on others? Death penalty advocates say there should be an eye for an eye and that is the only moral way to implement justice. But I believe that a truly moral society cannot execute its criminals. There is no economic, no social, nor moral justification, for the taking of a life on earth. I think that our government needs to stand for that. Thank you.

SENATOR GORDON: Actually, I almost brought a show and tell exhibit today. The founder of my law firm, Judge Wescott, was the prosecutor of Mr. Long, who was the last person to suffer the death penalty in this state. The Belknap County Sheriff's Department still has the noose by

which he was hung. It is on display at the Sheriff's Department. I thought that I might bring that, maybe to help us or aide us in our decision making here today. But I don't think that is necessary. The debate has been very good. In fact, the debate, generally, I think this session, of the six years that I have been in the Senate, probably this year, the general debates that we have had, I think, have been the best debates that we have had. I listened to the testimony at the hearing and I have come to believe that the death penalty is certainly not a deterrent, and I think that we should all realize that most of the murders that are committed aren't done intentionally. Many of them involve domestic matters, generally involve people that know each other, and generally done as acts of passion or emotion. The death penalty, generally, isn't a deterrent. I think that we could come to believe that you are not going to save money by having the death penalty. In fact, I think that we could generally agree at this point in time, that it is probably more expensive to have the penalty than it is to keep people in prison for the rest of their lives. I certainly understand that the judicial system is flawed and that in administering the judicial system that way that the death penalty is administered, it is not entirely equitable, but I think that you could say that about the judicial system in general, that in all types of crimes, not just in terms of capital crimes, the less affluent, the minorities have the tendency to bear a greater burden. I think that I can agree that the current law in this state, in regard to the death penalty, is flawed as well. It is unbalanced, in that I find it difficult to understand why a police officer's life ultimately becomes more valuable than some of another occupation. So I have come to realize all of those things and I found a very difficult time trying to make up my decision. The one thing that I will not do is decide that I am going to make my decision just based upon public opinion. I am not going to do it just based upon whether or not I am going to light up another candle at the coliseum. The fact is, I have to do what I think is right for the state. I sought some advice from my congregation. I asked them to pray for me on Sunday, and I also asked them if they, after church, could let me know what they thought, because the Methodist Church and the UCC both sent me letters saying that it is the church policy to do away with the death penalty. So I wondered if that in fact was consistent with what my congregation felt. After church, I found out that I didn't get any clear direction at all from my congregation. That certainly, the church policy doesn't necessarily reflect all of the opinion of its membership. I thought more of telling you about a gentleman by the name of Sam Worthen who is a greatly respected member of our community, who came up to me and said, "Ned, I think that we ought to abolish the death penalty, but I think that we ought to keep it on the books in case we need it." I think the issue for me, comes down to what is the question that we have to decide? Putting all of those things aside and accepting those facts that I have just talked about. What is the question? Because if you go to law school and you write legal briefs, no matter what the fact pattern is, they tell you, "we want you to sum it up in one question - what is the question that you have to decide?" The question from my point of view is, how do you perceive the social character of New Hampshire? What do you want New Hampshire to be? I think that you can come down on either side of that question. I have heard that here today. I hear people who come down and say, "When I look at New Hampshire and the social character of New Hampshire, what I want it to be, I want to see redemption, I want to see forgiveness, I want to see hearing." Therefore, I don't think that we should have the

death penalty. On the other hand, I think that you can come down on the other side of that question, just as other speakers have done so today, and say that sometimes there are acts in this state, that so offend the social order that an ultimate price ought to be paid. That is the value that we place on society. It is important to maintain a social order and that is one way of doing it. So I think that you can come down just as people who debated this question over the years have come down on it on either side. I happen to come down on the side that I think that there is still a role for the death penalty. I think that probably makes me somewhat of a dinosaur, because I suspect ultimately that the death penalty will be abolished in the state. That certainly is the way the trend is going. But I grew up in New Hampshire as some of you grew up in New Hampshire. I have spent my life here. I have been part of the social fabric of this state. A fabric, which I think up to now, has been very resistant to repealing the death penalty, who felt it served an important role. I guess as I stand here today, I reflect those archaic beliefs. But they are my beliefs and they are just as strong as those beliefs that are held by others who believe that the death penalty should be abolished. I don't think that it should be. I think that it should be kept on the books, and that is the way that I intend to vote today. While I do that, I respect the opinions of everyone else who votes. Thank you.

A roll call was requested by Senator Francoeur.

Seconded by Senator Pignatelli.

The following Senators voted Yes: Fraser, Below, McCarley, Trombly, Disnard, Roberge, Fernald, Squires, Pignatelli, Larsen, Krueger, Wheeler, Hollingworth, Cohen.

The following Senators voted No: F. King, Gordon, Johnson, Eaton, Francoeur, Brown, J. King, Russman, D'Allesandro, Klemm.

Yeas: 14 - Nays: 10

Adopted.

Ordered to third reading.

Senator Russman is in opposition to the motion of ordering to third reading on HB 1548-FN.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. Capital Budget Committee. Vote 5-1. Ought to pass with amendment, Senator Larsen for the committee.

2000-4507s

05/09

Amendment to HB 417-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation for the cost of the Walker building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Hospital; Walker Building. To provide for the design, rehabilitation and reconstruction of the New Hampshire Hospital Walker building, the department of administrative services, in conjunction with the department of transportation, shall engage an architectural firm to design the office complex and develop bid specifications for the conversion of the Walker building, including a parking plan.

2 Appropriation; Bonds Authorized.

I. The sum not to exceed \$12,600,000 is hereby appropriated to the department of administrative services for the purpose of the design, rehabilitation, and reconstruction of the Walker building at New Hampshire hospital authorized in section 1 of this act.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general-fund agencies occupying the Walker building. The bonds shall be 20-year bonds.

3 Expenditures. The appropriations made for the program outlined in section 1 for this project shall be expended by the commissioner of administrative services, provided that all contracts and project plans and specifications therefore shall be awarded in accordance with the provisions of RSA 228. The department of administrative services shall have responsibility for the administration of the Walker building, including the determination of appropriate rents to be paid by an agency occupying the Walker building.

4 Plaistow District Court Design; Lapse Date Extended to 2001. Amend 1998, 226:4 to read as follows:

226:4 Lapse Date Extended; Plaistow District Court; Department of Administrative Services. The appropriation made to the department of administrative services, division of plant and property management, bureau of court facilities, for the Plaistow district court design in 1993, 359:1, II, B, 2 as extended by 1994, 171:1 and as extended by 1996, 257:5 shall not lapse until June 30, [2000] 2001.

5 Effective Date. This act shall take effect upon its passage.

2000-4507s

AMENDED ANALYSIS

This bill:

I. Authorizes the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital.

II. Makes a bonded appropriation for the cost of the Walker building project, and provides a funding option for the state treasurer regarding funding the project.

III. Extends the lapse date of the appropriation for the Plaistow district court design.

SENATOR LARSEN: This bill authorizes the Department of Transportation to hire an architectural firm to design an office complex and develop bid specifications for the converting the 89 year old Walker Building at the New Hampshire hospital into reusable office space. This building has remained vacant for nine years. It also makes a bonded appropriation in

the amount of \$12.6 million to the Department of Administrative Services for the cost of the Walker Building project. It provides a funding option of the state treasurer, regarding the funding of the project, and extends the lapse date of the appropriation for the Plaistow district Court design. The Capital Budget Committee recommends HB 417 as amended, ought to pass.

Amendment adopted.

Ordered to third reading.

HB 1471, relative to the department of employment security's power to approve building projects. Capital Budget Committee. Vote 6-0. Ought to pass with amendment, Senator Russman for the committee.

2000-4512s

05/10

Amendment to HB 1471

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Expenditures; Purchase or Lease Purchase Agreements. Amend RSA 282-A:112, IV to read as follows:

IV. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized, ~~[notwithstanding any other provision of law]~~ **except as provided in paragraph V**, with the approval of the governor and council, to enter into **purchase or** lease purchase agreements.

2 New Paragraph; Capital Expenditures; Consent Required. Amend RSA 282-A:112 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any provision of the law to the contrary, the consent of the capital budget overview committee, established in RSA 17-J, shall be required for all agreements exceeding \$50,000 for:

(a) Acquisition of land or existing buildings;

(b) New construction;

(c) An addition to an existing facility; or

(d) An improvement or repair to a facility which exceeds routine maintenance.

3 Effective Date. This act shall take effect 60 days after its passage.

2000-4512s

AMENDED ANALYSIS

This bill requires the department of employment security to receive the approval of the capital budget overview committee when entering into purchase or lease purchase agreements exceeding \$50,000 for acquisition, construction, renovation or improvement.

SENATOR RUSSMAN: Yes, HB 1471 requires that this bill requires the department of employment security to receive the approval of the capital budget overview committee when entering into purchase or lease purchase agreements exceeding \$50,000. These agreements would include the acquisition of land or existing buildings, new construction, an addition to an existing facility and/or improvement or repair to a facility which exceeds routine maintenance. We recommend ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. Education Committee. Vote 8-1. Ought to pass with amendment, Senator Larsen for the committee.

2000-4553s

04/01

Amendment to HB 413-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. It is hereby declared to be the policy of the state of New Hampshire to support the funding of the state's regional vocational education centers within the capital budget or legislative funding process. Established as state facilities with the adoption of RSA 188-E in 1973, these regional vocational education centers require renovation for the state to maintain the highest level of offerings for its vocational/technical education students.

2 Regional Vocational Education; Appropriation for Renovation and Expansion; Approval and Funding. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Funding for Renovation and Expansion.

I. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of regional vocational education centers or regional vocational education programs provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion;

(c) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(d) The state shall fund not less than 75 percent of the cost of a project approved pursuant to this section. A school district may request additional state funding in an amount not to exceed 100 percent of the cost of the approved project, provided the school district demonstrates special circumstances which may prevent it from obtaining local funding necessary to complete the project.

II. The renovation and expansion reserve funding required by subparagraph I(c) may be funded through local community funds, vocational education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.

III. The provisions of this section shall not constitute the exclusive procedure for obtaining approval of a project. Nothing in this section shall be construed to prevent a school district or the department of education from independently pursuing approval of a project through the legislative process.

3 Regional Vocational Education; Tuition Payments Clarified. Amend RSA 188-E:7 to read as follows:

188-E:7 Tuition. The department of education is authorized to pay from its regular budget tuition for full or part-time students, attending pro-

grams at designated vocational centers or designated vocational educational courses at other comprehensive high schools, whose residence is in a district where the high school of normal attendance does not offer a similar vocational education course. The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A, *provided that a receiving district may charge a student from a sending district, and the department shall reimburse, a tuition amount not to exceed 100 percent of the receiving district's vocational education tuition amount, and that the receiving district shall deposit not less than 25 percent of vocational education tuition amounts collected into its capital reserve account to be used for vocational centers and equipment.*

4 Applicability; Funding Limitation. Any regional vocational education center or regional vocational education program which received approval from the state board of education for initial construction before July 1, 1997 and which has not commenced construction prior to the effective date of this act shall be exempt from the provisions of RSA 188-E:10, I(c). This exemption shall not apply to any other cost-sharing requirements of RSA 188-E or rules of the department of education.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

SENATOR LARSEN: I am honored to be able to bring forth, HB 413 before the full Senate. This bill has been worked on so hard. It is to help the vocational centers in our high schools provide New Hampshire high school students with the opportunity to learn technical skills they need to fill their positions out in the modern work world. We all recognize the need for modern and up-to-date equipment that meets the industry standards, and some of our vocational centers are up to 20 years old and in desperate need of modernization. We worked on this issue for several years now, and I believe that perhaps we have found a process by which...a dual process by which our vocational centers, our regional vocational centers at our high schools can be funded either through the capital budget process or the legislative process. The bill requires the state treasurer to make funds available to the Department of Education for renovation and expansion of the centers. The commissioner of Education will submit that through the capital budget process, after reviewing if it is educationally and financially appropriate. The commissioner will submit a priority list similar to a 10-year plan for vocational centers. Each district has to establish a renovation and expansion reserve fund that will help, over the long run, to pay for renovations and equipment costs that are not covered by the state. The state will fund 75 percent of an approved project and school districts that need above that amount will be able to demonstrate special circumstances and obtain funding through that process. The bill clarifies that the capital budget process is not the exclusive method for funding renovation and expansion of the regional vocational centers, but the projects may still be funded through the legislative process. House Bill 413 also addresses vocational education tuition payments. It authorizes receiving districts to charge students from a sending district tuition not to exceed 100 percent of the receiving district's vocational tuition amount. The Department of Education will reimburse 100 percent of the tuition charged while currently they reimburse for 75 percent. That additional 25 percent funding will go into the reserve fund, which will be used exclusively at the schools for the vocational center, building and equipment.

The Senate Education Committee, by a large majority, recommends this bill ought to pass with amendment. I urge your support of the regional centers so that we may begin to improve these facilities for our young people. Thank you.

SENATOR FERNALD: Senator Larsen, I am curious why the state's funding for a vocation center is 75 percent when we don't fund at that level for other school buildings?

SENATOR LARSEN: Twenty years ago, the state funded 100 percent of the cost of regional vocational centers. Twenty years ago, it was believed to be, in fact, a pact that the state had with the regional vocational centers, that if the regional centers set up a unified location for training vocational students, that the state would support that through the support of regional centers and 100 percent funding. Over the years, those 20 year old facilities are now much in need of maintenance and the equipment is old. So we are trying to prepare students in our high schools with old equipment and unsuitable spaces. I have worked for about four years with a lot of people to try and get that 100 percent funding. The House Public Works came to support...they wanted to put it in the capital budget process. We wanted to make sure that this bill included funding for the centers through the state support. It was not believed that 100 percent funding was the level that we could get support on. Seventy-five percent funding of the renovation costs, we believe, will be supported by the House, and that we will see renovations happen, which haven't happened for four years for lack of support for 100 percent of funding. The idea is that the tuition and the reserve accounts that will be established will reimburse the receiving districts for renovations that they do.

SENATOR FERNALD: When the state was funding 100 percent before, was there federal money involved at that time that was channeled through the states?

SENATOR LARSEN: To my knowledge, there is support for the students through the Carl Perkins Act but there is not support for the buildings, so it was entirely on the state's bonding capacity to bond for regional vocational centers. Because of the constraints that we have had with bonding in the past several years, we have been unable to get the kind of renovation bonding appropriations to any renovations at any high schools. The thought was that at 75 percent support, communities have the ability to establish reserve funds, seek local support for the additional 25 percent. New facilities, for example, Jaffrey Rindge new construction will continue to get the 100 percent funding, but the renovations were believed that 75 percent would be enough of a motivation for school districts to make their improvements and seek local support. There is a section in the bill that says that if their are extenuating circumstances where that 25 percent is difficult to make up, that those special circumstances will be taken into account.

Amendment adopted.

Ordered to third reading.

HB 1224, relative to the process for nonrenewal of teacher contracts. Education Committee. Vote 6-3. Inexpedient to Legislate, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: House Bill 1224 would have clarified the process for nonrenewal of teacher contracts on the subsequent hearing at the local school board. It also provided that the appeal of such nonrenewal

decision shall occur at the state Board of Education. This state Board of Education appeal would constitute the exclusive appeal for nonrenewal decisions with the exemption of the courts. In doing so, it eliminated binding arbitration as an avenue of resolution. The majority of the Education Committee believes that the current law is working well. The committee believes that due to the projected teacher shortages in the near future, any issue surrounding nonrenewal of teacher contracts will dissipate. As a state that believes so strongly in local control, we should let local school boards deal with their own local problems. The committee sees no need to alter a process that works well in the majority of cases. The majority of the Education Committee recommends this bill as inexpedient to legislate. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1270-FN-L, relative to charter schools and open enrollment districts. Education Committee. Vote 7-2. Interim Study, Senator Gordon for the committee.

SENATOR GORDON: House Bill 1270 had to do with charter schools and we are recommending that it go to interim study. Madame President, the issue with this particular bill has to do with the merits. One of the things that the bill does, is it reduces the amount of money which would go to charter schools. Right now, under the current law, charter schools would receive 80 percent of the cost of education in a particular district. Under this proposed bill, it would be reduced to what is now the state adequacy amount. So charter schools would actually receive less money. The other issue has to do with how charter schools get approved. The primary purpose of this bill was to reduce the requirements for approval, and that is not having to go to the voters first. Actually getting approval by going to the state Board of Education. There are some advantages of doing that, but the problems with that are that there are still links individual charter schools to individual school districts. If we are going to go ahead and do it that way, what we need to do is to look at charter schools differently in terms of a state interest and not necessarily into a local school district interest. Because these questions have been raised, I think the best plan is to send this bill to interim study this year and then revisit it next year when we have had some of those questions answered.

Committee report of interim study is adopted.

HB 1521-FN-L, relative to the definition and administration of an adequate education. Education Committee. Vote 5-4. Ought to pass with amendment, Senator McCarley for the committee.

2000-4552s

04/01

Amendment to HB 1521-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Adequate Public Education; Policy and Purpose Amended. Amend RSA 193-E:1 by inserting after paragraph II the following new paragraph:

III. Realizing that the delivery and improvement of education is the primary responsibility of the local school district, it is imperative that parents and other members of the community be actively involved in planning, implementing, and evaluating locally-developed instructional programs. Therefore, it is also the purpose of this chapter to assist school districts in identifying and using quality standards to determine and report widely on the effectiveness of the educational approaches used to meet student needs. Furthermore, in light of the shared responsibility between state and local government to provide an adequate education, it is the purpose of this chapter to establish processes by which school districts may request educational improvement assistance from the state and to authorize the department of education to deliver such assistance.

2 Adequate Public Education; Delivery of an Adequate Public Education; Local Educational Improvement Plan. RSA 193-E:3 is repealed and reenacted to read as follows:

193-E:3 Delivery of an Adequate Education. In order to implement New Hampshire's policy of providing all students with the opportunity to acquire an adequate education, each school district shall put in place and evaluate the assessment and performance indicators outlined in this section, which shall be collectively known as quality standards.

I. By June 30, 2002, and every 3 years thereafter, each school district, through a process involving parents, teachers, employers, and other community members, shall prepare and implement a local education improvement and assessment plan which shall be aligned with the state-wide education improvement and assessment program established in RSA 193-C, and which shall be designed to improve student achievement within each school in the district. Each such plan shall be filed with the department of education. The department of education shall comment to the district on the plan in a timely fashion. At a minimum, the plan shall include the following assessment and performance indicators:

- (a) Curriculum and proficiency standards for all students.
- (b) School and district performance goals based on reported data on educational indicators listed in paragraph II.
- (c) Procedures for aligning curriculum, instructional practices, and student and programmatic assessments, including annual reporting of results.
- (d) Local assessment measures which focus on individual student performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement; and
- (h) Staff supervision and evaluation and performance-based professional development.

II.(a) Each school district shall annually demonstrate that it has met or exceeded its own school and district indicators for achievement or improvement established by the school district in accordance with rules adopted by the state board of education.

(b) By July 15, 2000, each school district shall report to the department of education its data for the previous school year on its school and district performance indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Performance indicators shall include the following areas:

- (1) Attendance and dropout rates.
- (2) School environment indicators, such as safe-school data.

(3) Proportion of graduating students going on to post-secondary education, military service, and the workplace; and

(4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(c) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each public elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board of education.

IV. Beginning December 1, 2002, and annually thereafter, the commissioner of education shall determine the extent to which each school district is meeting its quality standards established pursuant to paragraphs I, II, and III of this section. A school district that meets or exceeds its quality standards shall be recognized in accordance with RSA 193-E:4, II. A school district that does not meet its quality standards shall be designated by the commissioner of education as a school district in need of assistance. Each year, the commissioner of education shall provide a report of such determinations to the governor and council, state board of education, speaker of the house, president of the senate, and chairs of the house and senate committees responsible for education and finance.

V. Beginning no later than December 1, 2000, and annually thereafter, the department of education shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and student performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, data provided under paragraph I of this section, as well as other relevant statistics. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of the school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school board with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

3 New Sections; Adequate Public Education; Education Improvement Assistance to Local School Districts. Amend RSA 193-E by inserting after section 3 the following new sections:

193-E:4 Educational Assistance to Local School Districts.

I.(a) Within 60 days of the issuance of the annual report on the condition of education as provided in RSA 193-E:3, V each school board shall provide an opportunity for public discussion of the report at a meeting of the board called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

(b) Once a school district has implemented a local educational improvement and assessment plan pursuant to RSA 193-E:3, I, this plan shall be discussed at the public meeting provided for in subparagraph I(a) of this section.

II. A school district that has been identified pursuant to RSA 193-E:3, IV as meeting or exceeding its quality standards shall receive formal recognition from the state board of education and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board of

education and the governor. Such school districts, schools, or teachers shall be eligible to apply for grants from the special projects and improvement fund administered by the department of education pursuant to RSA 193-E:8.

III.(a) A school board, in response to the annual report on the condition of education, may request from the department of education the assistance available under paragraph IV.

(1) If a school board requests assistance on behalf of a school district that has not been designated as a school district in need of assistance pursuant to RSA 193-E:3, IV, then the assistance requested under paragraph IV to be provided by the department of education shall be based on the availability of resources as determined by the commissioner of education.

(2) If a school board requests assistance on behalf of a school district that has been designated as a school district in need of assistance, then the school or district shall receive assistance from the department of education in accordance with subparagraph IV(a)(2).

(b) If a school board has received notice pursuant to paragraph VI, then the school district shall receive assistance from the department of education in accordance with subparagraph IV(a)(3).

IV. The department of education and the state board of education shall work cooperatively with school boards to provide assistance as follows:

(a)(1) Within 30 days of a school board's request for assistance pursuant to subparagraph III(a)(1), the commissioner of education may appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. If the plan is not approved, the local school board may revise the plan and resubmit it to the state board. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(2) Within 30 days of a school board's request for assistance pursuant to subparagraph III(a)(2), the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(3) Within 30 days of the issuance of a notice to a school board pursuant to paragraph VI, the commissioner of education shall appoint a quality assurance team to review the educational programming and effectiveness of the school district. In cooperation with local officials, the

team shall prepare and present a report at a regularly scheduled public meeting of the local school board and to the state board of education. This report shall be issued within 4 months of the team's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board of education for approval. The school board may decide to implement the corrective action plan on its own, through the use of a technical assistance advisor, or through the use of a peer review team. Any such decision shall be included in the corrective action plan.

(b) If the state board of education does not approve a corrective action plan submitted in accordance with subparagraphs IV(a)(2) or IV(a)(3), then the commissioner of education shall work with the local school board and superintendent to revise the corrective action plan. If the local school board and superintendent do not revise the corrective action plan within 2 months or the state board of education does not approve the revised corrective action plan, then the commissioner of education shall submit in a timely manner a corrective action plan, including methods for implementing it, to the state board of education for approval without further action of the local school board.

(c) If an approved corrective action plan includes the use of a technical assistance advisor, then the commissioner of education shall appoint a technical assistance advisor who is authorized to access the state special projects and improvement fund to provide assistance to local school district staff in the implementation of the corrective action plan until the goals of the corrective action plan are met.

(d) If an approved corrective action plan includes the use of a peer review team, then the commissioner of education shall name a peer review team consisting of one person appointed by the chairperson of the local school board, one person appointed by the chairperson of the state board of education, and a third member chosen by the local school board and state board of education appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

V. If, by the time of the annual school district meeting or by April 30 in a city with a dependent school department, the school board of a school district in which a school district has been designated as a school district in need of assistance pursuant to RSA 193-E:3, IV has not submitted a request for assistance under paragraph III, then the legislative body of the school district may vote to direct the school board to submit a request for assistance under paragraph III. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with paragraphs III and IV.

VI. A school board shall have one year from the date that a school district has been designated as a school district in need of assistance pursuant to RSA 193-E:3, IV to remedy identified problems at the local level. If the school district is designated as a school district in need of assistance and the school board does not request assistance under paragraph III within one year of such designation, then on December 1 of the year following the designation, if the school district continues to be designated as a school district in need of assistance, the commissioner of education shall issue a notice to the school board and shall initiate a process for providing assistance pursuant to subparagraph IV(a)(3), without further action of the school board.

193-E:5 Assistance to Local School Districts.

I. By June 30, 2002, and every 3 years thereafter, the state board of education through a process that provides opportunities for public input from parents, employers, educators, and other citizens shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department of education will help schools and school districts improve student achievement. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

II.(a) Notwithstanding any other provisions of law, no later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update school approval standards based on input from parents, employers, educators and other citizens.

(b) The state board of education shall work with a joint select committee of the house and senate education committees, whose members shall be appointed by the speaker of the house and the president of the senate, to identify amendments that should be made to the school approval standards to reflect the provisions of RSA 193-E. Further, any proposed amendments shall consider the recommendations of the adequate education and education financing commission established in RSA 198:49 and should be reviewed by the house and senate education committees, which may submit comments on the proposed amendments to the state board of education. The state board of education shall consider such recommendations and comments in adopting amendments to the school approval standards pursuant to RSA 541-A.

III. Beginning no later than January 1, 2002 the commissioner of education shall ensure that the state curriculum frameworks adopted under RSA 193-C shall be reviewed on a staggered, 5-year cycle such that no more than 2 frameworks are being reviewed at the same time. In order to provide reliable annual comparisons of data at the school and district levels, the statewide improvement and assessment program shall be expanded to include more than the 3 grades required under RSA 193-C:6.

IV. No later than June 30, 2004, and every 3 years thereafter, the state board of education shall review, and update as necessary, the format and information included in the report required pursuant to RSA 193-E:3.

V. No later than January 1, 2001, the state board of education shall adopt rules, pursuant to RSA 541-A, establishing the requirements for data keeping and the form of the report as required in RSA 193-E:3, II.

VI. No later than June 30, 2001, the state board of education shall adopt rules for the development and implementation of the local education improvement and assessment plan required under RSA 193-E:3, I.

VII. No later than June 30, 2001, the state board of education shall adopt rules for the establishment of assessment and performance indicators required under RSA 193-E:3, II.

VIII. No later than December 1, 2002, the state board of education shall adopt rules, pursuant to RSA 541-A, for the approval of corrective action plans as required by RSA 193-E:4, IV(a).

IX. The department of education shall implement credible procedures to review compliance with school approval standards.

193-E:6 Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.

(b) The chairperson of the senate education committee, or a designee.

(c) One member of the house of representatives, appointed by the speaker of the house.

(d) One member of the senate, appointed by the senate president.

(e) One member of the house finance committee, appointed by the speaker of the house.

(f) One member of the senate finance committee, appointed by the senate president.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house education committee and the chairperson of the senate education committee. The first chairperson shall be the chairperson of the house education committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by June 30, of each even-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

193-E:7 Special Projects and Improvement Fund. A special projects and improvement fund is hereby established in the department of education and continually appropriated to the department. The department of education shall use moneys appropriated for this fund to provide grants to school districts pursuant to RSA 193-E:4, II. The department of education shall also use moneys appropriated for this fund to support the implementation of approved corrective action plans. The technical assistance advisor assigned to work in school districts pursuant to RSA 193-E:4, IV(c) shall be authorized to access this fund in accordance with procedures established by the department of education.

4 Appropriation. The sum of \$1 for the biennium ending June 30, 2001 is hereby appropriated to the department of education for the purposes of the special projects and improvement fund established in RSA 193-E:7 as inserted by section 3 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Repeal. RSA 194:23-d, relative to state financial aid to elementary schools and high schools which are approved by the state board of education, is repealed.

6 Effective Date. This act shall take effect July 1, 2000.

2000-4552s

AMENDED ANALYSIS

This bill establishes a procedure for the department of education to identify local school districts which are in need of assistance and to assist in improving the overall quality of educational programs and services offered by such districts. The bill also establishes a special projects and improvement fund within the department of education and appropriates \$1 to this fund for the biennium ending June 30, 2001.

SENATOR MCCARLEY: House Bill 1521 is the House version of the school improvement and accountability issue that we have all been working on for a couple of years. Originally, the House version that came out of House Education was a bill very much like the SB 219 that we had worked on in this body. I was very hopeful that that bill would get over and we would be able to put these together and actually have a really good accountability improvement bill. That House version underwent a huge change towards the end of the House session and we got it very late. There are some significant differences in that bill to ours. The amendment reflects the Senate position that we took on a voice vote several months ago. I would encourage us to pass this bill as amended, with the Senate amendment, which is indeed SB 219. The bill would then, in all likelihood, go to a Committee of Conference, where, hopefully, we can clean up the issues and put out a very good, a very solid accountability improvement bill. Thank you.

Amendment adopted.

Ordered to third reading.

Senator Gordon is in opposition to HB 1521-FN-L.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities. Energy and Economic Development Committee. Vote 6-1. Ought to pass with amendment, Senator Below for the committee.

2000-4537s

10/04

Amendment to HB 733

Amend the title of the bill to read as follows:

AN ACT relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Deployment of Personal Wireless Services Facilities. Amend RSA by inserting after chapter 21-I the following new chapter:

DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES

12-J:1 Goals; Purpose.

I. The federal Telecommunications Act of 1996 regulates the deployment of wireless services in the United States. Its purpose is to make these services available to the American people quickly and in a very competitive manner. Nothing in this chapter is intended to preempt the federal Telecommunications Act of 1996.

II. The visual effects of tall antenna mounts or towers may go well beyond the physical borders between municipalities, and should be addressed so as to require that all affected parties have the opportunity to be heard.

III. Carriers wishing to build personal wireless service facilities (PWSFs) in New Hampshire should consider commercially available alternative PWSFs to tall cellular towers, which may include the use of the following:

(a) Lower antenna mounts which do not protrude as far above the surrounding tree canopies.

(b) Disguised PWSFs such as flagpoles, artificial tree poles, light poles, and traffic lights, which blend in with their surroundings.

(c) Camouflaged PWSFs mounted on existing structures and buildings.

(d) Custom designed PWSFs to minimize the visual impact of a PWSF on its surroundings.

(e) Other available technology.

IV. A PWSF map is necessary to allow for the orderly and efficient deployment of wireless communication services in New Hampshire, and so that local communities have adequate information with which to consider appropriate siting and options to mitigate the visual effects of PWSFs.

V. Municipalities will benefit from state guidance regarding provisions to be considered in zoning ordinances relative to the deployment of wireless communications facilities, including one or more model ordinances.

VI. Nothing in this chapter shall be construed as altering any municipal zoning ordinance, and this chapter itself shall not be construed as a zoning ordinance.

12-J:2 Definitions. In this chapter:

I. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.

II. "Average tree canopy height" means the average height found by inventorying the height above ground level of all trees over a specified height within a specified radius.

III. "Camouflaged" means for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

IV. "Carrier" means a person that provides personal wireless services.

V. "Director" means the director of the office of state planning.

VI. "Disguised" means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles.

VII. "Equipment shelter" means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs such as, batteries and electrical equipment.

VIII. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.

IX. "Mount" means the structure or surface upon which antennas are mounted and include roof-mounted, side-mounted, ground-mounted, and structure-mounted types.

X. "Municipality" means any city, town, unincorporated town, or unorganized place within the state.

XI. "Personal Wireless Service Facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

XII. "Personal Wireless Services" means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

XIII. "Radio frequency radiation" means the emissions from personal wireless service facilities.

12-J:3 Wireless Carriers Doing Business in this State. All wireless carriers or their appointed agents doing business, or seeking to do business, in this state shall:

I. Be allowed to construct new ground-mounted PWSFs, provided that these PWSFs comply with municipal regulations for maximum height or maximum allowed height above the average tree canopy height, subject to any exceptions, waivers, or variances allowed or granted by the municipality.

II. Comply with all applicable state and municipal land use regulations.

III. Comply with all federal, state and municipal statutes, rules and regulations, including federal radio frequency radiation emission regulations and the National Environmental Policy Act of 1969, as amended.

IV. Provide information at the time of application to construct an externally visible PWSF, or prior to construction if no approval is required, to the municipality in which the facility is to be constructed and to the office of state planning, as follows:

(a) A copy of their license from the Federal Communications Commission (FCC) proving that they are eligible to deploy their systems in this geographical area and that this deployment falls under the jurisdiction of the federal Telecommunications Act of 1996; or a copy of their contract with a person with such a license, and a copy of that license.

(b) Upon request, detailed maps showing all of the carrier's current externally visible tower and monopole PWSF locations in the state within a 20 mile radius of the proposed externally visible PWSF, both active and inactive.

(c) Upon request, site descriptions for each of the above locations showing the antenna height and diameter, and showing all externally visible structures.

(d) Upon request, a description of why less visually intrusive alternatives for this facility were not proposed.

12-J:4 Payment of Costs. A wireless carrier seeking approval to deploy a wireless communication facility may be required to pay reasonable fees, including regional notification costs, imposed by the municipality in accordance with RSA 676:4, I(g).

12-J:5 Fall Zones. Zoning ordinances may include provisions for fall zones for PWSFs to the extent necessary to protect public safety.

12-J:6 Personal Wireless Services Facilities Map. The director of the office of state planning shall develop a personal wireless service facilities map for the state. This map shall include all externally visible tower and monopole PWSF locations in the state, both active and inactive, for all carriers. This map shall also include for each of the above locations a site description as described in RSA 12-J:3, IV(c). Upon request of the director, any wireless carrier or its appointed agent doing business in this state shall provide a map of all of its existing externally visible tower and monopole PWSF locations in the state and a site description of each as described in RSA 12-J:3, IV(c).

12-J:7 Regional Notification.

I.(a) Any municipality or state authority or agency which receives an application to construct a PWSF which will be visible from any other New Hampshire municipality within a 20 mile radius shall provide written notification of such application and pending action to such other municipality within the 20 mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20 mile radius detailing the pending

action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within the 20 mile radius, stating the specifics of the application, the pending action, and the date of the next public hearing on the application. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

II.(a) Any person, prior to constructing a new PWSF in any location where no approval is required but which will be visible from any other New Hampshire municipality within a 20 mile radius, shall provide written notification of such planned construction to such other municipality within the 20 mile radius.

(b) This notification shall include sending a letter to the governing body of the municipality within the 20 mile radius detailing the planned construction and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within a 20 mile radius, outlining the planned construction.

III. Municipalities within the 20 mile radius described in paragraphs I or II and their residents shall be allowed to comment at any public hearing related to the application. Regional notification and comments from other municipalities or their residents shall not be construed to imply legal standing to challenge any decision.

12-J:8 Model Ordinances and Guidance. The director of the office of state planning shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The office of state planning shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it.

12-J:9 Rulemaking. The director of the office of state planning, after holding a public hearing, shall adopt rules under RSA 541-A as necessary to implement this act and to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public.

2 Committee Established. There is established a committee to study state wireless communications policy.

3 Membership and Compensation.

I. The members of the study committee shall be as follows:

(a) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, appointed by the speaker of the house. The speaker of the house may also appoint up to 5 additional house members as alternates, if deemed appropriate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall review state policies regarding the use of state lands, state right-of-ways, state buildings, and other state facilities for wireless communications, including commercial, public, and quasi-public purposes, and how such policies balance varied public interests, including promotion of telecommunications, alternatives to tall cellular towers, public safety, public and municipal participation in siting decisions, and preservation of aesthetic, landscape, and historic values.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. Six members of the committee shall constitute a quorum.

6 Report. The study committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2000.

7 Effective Date. This act shall take effect 60 days after its passage.

2000-4537s

AMENDED ANALYSIS

This bill establishes a master plan for the orderly deployment of personal wireless service facilities in communities throughout the state.

The bill also establishes a committee to study the state wireless communications policy.

SENATOR BELOW: House Bill 733 takes some steps towards creating a state master plan for the deployment of personal wireless service facilities and establishes a committee to study state wireless communication policy. The federal telecommunications act of 1996 in many ways preempts state action, but it also sets a framework for encouraging personal wireless service facilities, and certainly allows states some ability to regulate this based on state's traditional land use regulations ability. What the bill does is to set some framework for communities to adopt local ordinances to provide for reasonable regulation of a wireless facility. And it also creates a personal wireless services facilities map to be managed by the director of the Office of State Planning so that externally visible towers and mono poles can be located on a map throughout the state. It also requires regional notification when facilities are going to be visible to more than one municipality or to be developed...and it calls for the director of the Office of State Planning to develop a set of mono municipal ordinances. It also creates a study committee to review some issues concerning state policy on this issue.

Amendment adopted.

Senator Below offered a floor amendment.

2000-4581s

10/04

Floor Amendment to HB 733

Amend the bill by replacing sections 4 and 5 with the following:

4 Duties. The committee shall review state policies regarding the use of state lands, state rights-of-way, state buildings, and other state facilities for wireless communications, including commercial, public, and quasi-public purposes, and how such policies balance varied public interests, including promotion of telecommunications, alternatives to tall cellular towers, public safety, public and municipal participation in siting decisions, and preservation of aesthetic, landscape, and historic values.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. A majority of the committee shall constitute a quorum.

SENATOR BELOW: This just corrects the spelling of the phrase "rights-of-way". In the original bill it said "right-of-ways". It also clarifies the quorum. The amendment that we just adopted a specified quorum, this makes the majority of the committee a quorum, so this is just a technical amendment. Thank you.

Floor Amendment adopted.

Ordered to third reading.

HB 1470, relative to divestiture of electric utility assets. Energy and Economic Development Committee. Vote 6-0. Inexpedient to Legislate, Senator Johnson for the committee.

SENATOR JOHNSON: House Bill 1470 set forth guidelines and procedures for managing the divestiture of utility assets. The bill has been rendered unnecessary by the PUC order of April 19 by correspondence associated with that order and by the provisions of SB 472. The committee is satisfied that the intent of this bill has been met and the bill is no longer necessary. The committee recommends inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

HB 1418-FN-L, relative to mercury-containing products. Environment Committee. Vote 5-2. Ought to pass with amendment, Senator Below for the committee.

2000-4456s

03/01

Amendment to HB 1418-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Findings. The general court finds that:

I. Mercury is a persistent and toxic pollutant that bioaccumulates in the environment.

II. According to recent studies, mercury deposition is a significant problem in the northeastern United States.

III. Consumption of mercury-contaminated freshwater fish poses a significant public health threat.

IV. Because of this threat, all of the northeastern states have issued freshwater fish advisories, warning certain individuals against consuming fish from affected water bodies.

V. Studies have documented that exposure to the elevated levels of mercury in the environment has resulted in serious harm to fish-consuming wildlife.

VI. Combustion of municipal and other solid waste is a major source of mercury emissions in the northeastern United States.

VII. Recent studies have raised concern about potential emissions of mercury during the transportation and disposal of solid waste.

VIII. Several state programs have demonstrated that removal of mercury-containing products from the waste stream prior to combustion is an effective way to reduce mercury emissions from solid waste management facilities.

IX. The governors of the New England states and the premiers of the eastern Canadian provinces have endorsed a regional goal of "the virtual elimination of the discharge of anthropogenic mercury into the environment."

X. Manufacturers of certain mercury-added products, such as thermostats, have established successful "take back" programs for properly managing the products at the end of their useful life.

XI. Accidental mercury spills, breakages, and releases have occurred throughout the northeastern United States. These incidences have proven costly to clean up and have exposed students, teachers, and administrators to mercury emissions.

XII. Health care facilities, educational and research institutions, and businesses have also experienced significant employee exposures and incurred significant costs due to accidental mercury releases.

XIII. The intent of this act is to achieve significant reductions in mercury emissions by encouraging the establishment of effective state and local waste reduction, recycling, and management programs while continuing to spur economic development.

XIV. To be effective, this act requires the cooperation of mercury products industries in identifying and quantifying mercury containing products.

Amend RSA 149-M:52 as inserted by section 2 of the bill by replacing it with the following:

149-M:52 Notification.

I. Six months after the effective date of this section no mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product to the department in accordance with the requirements of this section. Such notification shall at a minimum include:

(a) A brief description of the product to be offered for sale, use, or distribution.

(b) The amount of and purpose for mercury in each unit of the product reported as an exact number or average per product with an upper and lower limit unless waived by the department due to confidentiality or practical considerations.

(c) The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer.

(d) The total amount of mercury contained in all mercury containing products sold in the United States, provided either by individual manufacturers or aggregated for an industry by a trade group.

II. With the approval of the department, the manufacturer may supply the information required above for a product category rather than an individual product. The manufacturer shall update and revise the information in the notification whenever there is significant change in the information or when requested by the department. The department may define and adopt specific requirements in accordance with RSA 541-A for the content and submission of the required notification.

III. Any information furnished pursuant to the requirements of this section, which, as certified by the manufacturer, relates to production or sales figures or to processes or production unique to the manufacturer or which would tend to affect adversely the competitive position of the manufacturer, shall be only for the confidential use of the department and the interstate clearing house in the administration of this section, unless the manufacturer shall expressly agree to their publication or availability to the general public. Nothing herein shall be construed to prevent the use of such information by the department and the interstate clearinghouse in compiling or publishing analyses or summaries relating to the amount and effect of mercury in products and the environment; provided that the analyses or summaries do not identify any manufacturer or reveal any information otherwise confidential under this section.

IV. This section shall not apply to prescription drugs or any substance that may be lawfully sold over the counter without a prescription under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et. seq.

Amend RSA 149-M as inserted by section 2 of the bill by deleting RSA 149-M:54 and renumbering the original RSA 149-M:55-58 to read as RSA 149-M:54-57, respectively.

Amend RSA 149-M:56 as inserted by section 2 of the bill by replacing it with the following:

149-M:56 Interstate Clearinghouse. The department is hereby authorized to participate in the establishment and implementation of a regional, multi-

state clearinghouse to assist in carrying out the requirements of this subdivision and to help coordinate reviews of the manufacturers' notifications regarding mercury-added products, applications for phase-out exemptions, reviews of the collection plans, the disclosures of mercury content, applications for alternative labeling, and education and outreach. The clearinghouse may also maintain a list of all products containing mercury, including mercury-added products; a file on all exemptions granted by the states; and a file of all the manufacturers' reports on the effectiveness of their collection systems.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-4 to read as 4-5, respectively:

3 New Paragraph; Mercury Study Committee as Extended by 2000, 87; Duties Amended. Amend 1999, 71:4 by inserting after paragraph II the following new paragraph:

III. Identifying, with the assistance of the department of environmental services and the department of health and human services, and to the greatest extent feasible, all consumer products and products used in health care facilities that contain mercury in amounts greater than one part per billion. The committee shall seek to achieve this goal with voluntary industry cooperation and may otherwise study and make recommendations for future legislative action.

2000-4456s

AMENDED ANALYSIS

This bill:

I. Prohibits the sale of certain mercury-added products.

II. Establishes notification and disclosure requirements for permissible mercury-containing products.

III. Establishes limitations on the use of elemental mercury.

IV. Authorizes the department of environmental services to participate in the establishment and implementation of a regional, multi-state clearinghouse or manufacturers' notifications of mercury-added products.

V. Amends the duties of the Mercury Study Committee to include assistance in identification of mercury-added, consumer products and health care facility products.

SENATOR BELOW: I rise in support of the committee recommendation of ought to pass with amendment. House Bill 1418 is the outgrowth of the New Mercury Reduction Strategy published in October 1998, HB 340 which established a committee to study the source reduction of mercury, and efforts by the Northeast Waste Management Officials Association (NEWMOA). The goal of the NH Mercury Reduction Strategy is to achieve at least a 50 percent reduction in mercury releases from New Hampshire sources by the year 2003. This goal cannot be achieved without significant source reduction. As you have all been told before, mercury is a persistent, bio-accumulative, toxic pollutant that has invaded the environment primarily through airborne emissions. House Bill 1418 was amended by the House to resolve several issues of concern raised by various parties. However, an additional amendment was adopted by the Senate Environment Committee to provide clarification for items beyond what was done in the House. The goals of this legislation as amended, are to obtain more accurate information on mercury-containing products offered for sale in New Hampshire, prohibit the sale of no value added products and the sale of mercury-containing products that have reasonable alternatives, to limit the use of elemental mercury, and to implement a public education, outreach, and assistance program. In addition, the amend-

ment also removes a section of the bill relative to RSA 149-M:54, and the disclosure for mercury containing products that are used in health care facilities. Department of Environmental Services supports HB 1418, although the department would have preferred a more comprehensive and aggressive program. House Bill 1418 developed with the goal of regional consistency in dealing with mercury added products, as DES feels that a regional approach will benefit not only the states, but product manufacturers as well. Overall, the department believes that HB 1418 is a positive step forward in the effort to eliminate mercury in NH's solid waste stream. I urge you to take a very important first step forward in establishing of a regional policy for mercury reduction and vote this bill ought to pass with amendment. Thank you.

Amendment adopted.

Senator Johnson offered a floor amendment.

2000-4577s

08/10

Floor Amendment to HB 1418-FN-LOCAL

Amend RSA 149-M:52, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The amount of and purpose for mercury in each category of the product reported as a range either by individual manufacturers or aggregated for an industry by a trade group unless waived by the department due to confidentiality or practical considerations.

Amend RSA 149-M:56 as inserted by section 2 of the bill by replacing it with the following:

149-M:56 Interstate Clearinghouse. The department is hereby authorized to participate in the establishment and implementation of a regional, multi-state clearinghouse to assist in carrying out the requirements of this subdivision and to help coordinate reviews of the manufacturers' notifications regarding mercury-added products, and education and outreach. The clearinghouse may also maintain a list of all products containing mercury, including mercury-added products; a file on all exemptions granted by the states; and a file of all the manufacturers' reports on the effectiveness of their collection systems.

SENATOR JOHNSON: I rise to speak to my floor amendment. I think that we all certainly have a concern about mercury and we have been very aggressive in trying to address the issue overall, but as I looked at this bill last night, I realized what a nightmare RSA 149-M:52, I(b) notification would be for the industries. The language in b says, "The amount of and purpose for mercury in each unit of the product reported as an exact number or average per product with an upper and lower limit unless waived by the department due to confidentiality or practical reconsiderations." I guess in reading that, it reminded me of one of the old jokes that I heard years ago, where one guy says to the other guy, "what do you do for a living?" and the other guy says, "I work in a pepper factory, and I get lots of overtime and make lots of money." The other guy said, "that is great, just what do you do?" the factory worker says "I pick the fly droppings out of the pepper." That is about what this section of the bill would create for the industries, so we should replace that with the language that I have suggested, which would arrive at the same results, by product range or aggregate. Then in section 149-M:56, I am asking for the removal of "applications for phase-out exemptions, reviews of the collection plans, the disclosures of mercury content, applications for

alternative labeling", because none of these are being done at the moment and they are redundant, and it would be impossible to label small items and so many individual items. There are many labels of computer items coming from outside of New Hampshire as well as mercury bulbs. So I think that with these minor changes, we are just changing the language to give a little more flexibility to the companies. I think that there was a question that was brought up that why wasn't the industry there during the executive session when we executed the bill? I just want to say that the feedback that I got from the industry was that they didn't know that we were executing, so I think that is the reason why they weren't there. I would ask that you pass the bill as amended and if that doesn't come to pass, then we do have a study bill on mercury which is passed and already signed by the governor, and we could always incorporate all of this into the study. Please pass the bill as amended and vote in favor of the floor amendment. Thank you.

SENATOR FERNALD: Senator Johnson, I have a question. If I read your amendment, if I read the bill correctly, there is a requirement that a manufacturer has to notify the state of products that contain mercury. Product, by product...

SENATOR JOHNSON: Yes. Every widget, every product.

SENATOR FERNALD: Then if I read your amendment, it says that the notification to the state can be reported as a range by manufacturers are even aggregated by an industry by a trade group. I guess that I am trying to get at what has mercury in it and what doesn't? If a trade group can say that some of their circuit boards have mercury in them...I don't see where this amendment meets the intent of the bill?

SENATOR JOHNSON: Well, I guess the bottom line is, the amount of mercury that will be reported, but it won't be reported item by item, widget by widget. I think that it is taking care of the problem that exists with mercury, but not to the level that it demands the companies get into to so much reporting item by item and widget by widget.

SENATOR BELOW: I rise in opposition to the floor amendment. This is more than a little change. This essentially takes away one of the key purposes of the bill, which is to get on a product by product basis, mercury reduction. To have it aggregated by a trade group for an entire industrial line of products, doesn't really tell us...cause individual products within a trade group line or a range of products can vary from zero to a lot of mercury. The average may not seem so bad, but the point is to get to individual products because that is the way that we are going to get to 50 percent mercury reduction, understanding where mercury is added to individual products. The current language on what the committee amendment that you adopted does allow for average per product, with upper and lower limits, and it allows for a waiver by the department if there is confidentiality issues or practical considerations, like it is just not practical to do this kind of reporting. The committee previously...the Environmental Committee rejected this floor amendment approach and I would urge you to defeat it. Thank you.

SENATOR FERNALD: Mercury is something that I have worried about a lot because it is obviously a toxin and it is building up in the environment, and here we are spreading it around through, mostly through incinerators and coal plants. I am very grateful to the Environment Committee and the people who have worked on this bill. It seems like a thoughtful approach. One thing that I have noted about this whole is-

sue is that there are lots of products that have mercury in them and we don't even know it. Recently, I have noticed that the little batteries that you buy, the regular C's and AA's and so forth. Now they say, "contains no mercury." They used to have mercury and nobody knew it, and it was going up in smoke through our incinerators and people started making a big deal out of it and gee, we found out that the industry really didn't need to put the mercury in it because we made a point about it. A lot of what I see in this bill is that we are going to be asking manufacturers to tell us where the mercury is, it will bring to their attention how important it is not to put it there, and they will find alternatives. I see Senator Johnson's amendment as a way for industries to just sort of hide where the mercury is and we got nowhere on this effort to get it out of products. Thank you.

SENATOR WHEELER: I rise in opposition to the floor amendment. As was already stated, we rejected this in committee because it renders the purpose useless when we talk about reporting something aggregated for an industry, we want to educate people in New Hampshire about what products contain mercury. Along with Senator Fernald, I have been really startled about the kinds of products that have mercury. I serve on the Mercury Study Committee. This bill came from that study committee, so it would be somewhat circular to send it back to that **TAPE CHANGE** bill.

SENATOR JOHNSON: I rise to speak to the per unit product level. It may be misleading to the state and the public, because the amount of mercury contained in products varies depending on the size and number of lamps. For example: A product with a relatively large amount of mercury could lead one to conclude that there is a significant amount of mercury in commerce, even though the sales of such products may be extremely low. The gentlemen that came in and explained that to us had a large box of mercury bulbs and he went through each one of those and tried to give us a description of what they were. They also do applaud us for not...they are not opposing the enactment of some form of mercury legislation in New Hampshire, but they do urge that we allow the trade associations to aggregate this information for their industry and report it to the state. So I think that all they are asking for is a little bit of relief of how the reporting is taking place. They are certainly agreeing to cooperate with us, but not put large demands on their ability to make that information available to us. Thank you.

SENATOR RUSSMAN: We actually put in there that it could be, unless waived by the department, due to confidentiality or practical consideration, we already incorporated that in the amendment that the committee passed. So there really isn't a need to have an additional amendment beyond what we did. That accommodation was made under B of what we already have in there. "The amount of and purpose of mercury in each unit of product reported as an exact number or average per product with an upper and lower limit, unless waived by the department." So the department would have the opportunity to waive it. The amendment really is unnecessary.

SENATOR JOHNSON: Generally I support the agencies and what they try to do, but I think to have the agency determine what the practical reconsideration is, in this particular case, is much too vague. Thank you.

A division vote is requested.

Yeas: 12 – Nays: 12

Floor amendment failed.

Ordered to third reading.

HB 725, relative to rulemaking under the administrative procedures act. Executive Departments and Administration Committee.

MAJORITY REPORT: Ought to pass with amendment, Senator Larsen for the committee. 4-3

MINORITY REPORT: Ought to Pass, Senator Francoeur for the committee. 3-4

2000-4525s

10/01

Amendment to HB 725

Amend RSA 541-A:1, XV as inserted by section 2 of the bill by replacing it with the following:

XV. "Rule" means each regulation, standard or other statement of general applicability adopted by an agency to (a) implement, interpret or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters or other explanatory material which refers to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against ~~him~~ **such employee**, (d) declaratory rulings, or (e) forms. ***The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system. Notwithstanding the requirements of RSA 21-I:14, the term "rule" shall not include the manual described in RSA 21-I:14, I or the standards for the format, content, and style of agency annual and biennial reports described in RSA 21-I:14, IX, which together comprise the manual commonly known as the administrative services manual of procedures.***

Amend the bill by replacing section 15 with the following:

15 Time Limit; Reference to Manual Added; Expansion of Rules Which do not Expire. Amend RSA 541-A:17, I and II to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, ***in conformance with the drafting and procedure manual adopted under RSA 541-A:8.***

II. Notwithstanding the provisions of paragraph I, the ~~organizational~~ rules proposed and adopted pursuant to RSA 541-A:16, I(a), ~~(b)(2), (b)(3), (c), and (d)~~ shall not expire, provided that they have been approved by the committee. However, ***if the adoption or amendment of a statute governing the agency [reorganizes or reassigns any of the responsibilities outlined in the agency's rules describing its organization] renders the agency's rules under RSA 541-A:16, I(a), (b)(2), (b)(3), (c), or (d) no longer accurate***, such rules shall expire one year after the effective date of the statute that makes such change, and the agency shall commence rulemaking to amend its rules no later than 6 months after the effective date of such statute. If the agency reorganizes its organization and responsibilities in such a way that the agency's rules ***under RSA 541-A:16, I(a)*** describing its organization are no longer accurate, the agency shall amend its rules as soon as is practicable, but shall commence rulemaking not later than 6 months after such changes occur.

SENATOR FRANCOEUR: House Bill 725 as was sent over to the Senate, is a very good bill. It went through a numerous...I believe it was close to eight or ten House Committee hearings. When it reached the Senate, there were a couple of amendments proposed by different departments. I will speak briefly now on the original bill as it was sent over to us from the House and then maybe after, Madame President, I can speak again later. As I said, the original bill came over and we discussed the changes in what we were allowing the departments to do with legislative and without legislative oversight, and that part needs to be passed. The amendments affect the rulemaking process, which some of the departments are trying to get around, specifically, 300 and 400 under the rulemaking process. I have correspondence back and forth from one of the commissioners, which is Don Hill, and some from the Administrative Rules director, which is Scott Eaton, which conflicts part of what is being said by both sides. I will read briefly off of Scott Eaton's memo to the ED & A Committee, which was addressed to Representative Mercer. It talks about the commissioner's April 7th draft. It refers to the financial management and its intent as expressed in May 10th letter "is to include internal policies and internal procedures. These are broad concepts and it could exempt from RSA 541-A other executive branch areas beyond financial accounting and record keeping, such as use of state vehicles, reimbursement of travel for state employees, educational leave, control of federal funds that are covered in the expired administration 300 rules. If you do not want these areas removed from legislative oversight, they should specifically remain within the definition of the rule." It goes on in many areas. But anybody that is familiar with the rules section, it is about one and a half inch thick for this department. But basically, the conflict that Eaton talks about is...if you pass the two amendments that are before the Senate this morning, that you will lose your legislative oversight.

SENATOR LARSEN: House Bill 725 creates a Division of Administrative Rules within the office of Legislative Services. The new division will ensure that the Administrative Rules process takes place within Legislative Services and is not put into another office. The bill further includes Division of Personnel in Administrative Rules, in the rulemaking statutes. The bill streamlines the rulemaking process, while maintaining the checks and balances of the legislature. There are two parts to the committee amendment. The first part amends the section to the bill to ensure that the Department of Administrative Service's manual of procedures would not be incorporated into the rulemaking process. This lengthy manual presents guidelines for reporting, financial reporting, and does not encompass employee personnel rules or purchases and acquisitions. The second amendment incorporated there exempts the Department of Health and Human Services rules regarding hearings from appeals from the automatic rule expiration provision of the bill. The amendment was part of the original legislation and then later dropped. The committee recommends the bill ought to pass as amended in the Senate calendar.

SENATOR F. KING: From time to time, most Senators get stuck on the Administrative Rules Committee. When I first came to Concord and we were having our introduction for the day, I asked the Senate President, Joe Delahunty, if he would appoint me to this committee? In my time in local government, one of the frustrations that I had was that I sensed that agencies made laws through rules and they weren't necessarily what the

legislature intended. I will have served six years on the Administrative Rules Committee. I ought to get a star for the longest tenure, but you can do that later. But this is a very important issue, as you will see the date on this bill. This bill has been around being worked on for some time. On page four, lines 16-22, you will see that this bill intended to have a new manual, procedures manual for RSA 541 prepared. You will see that one of the persons who was going to participate in that is the commissioner of Administrative Services. Now that new manual, which has been months in development, has only been available for about two months. It finally was completed. I think, Madame President, that you served on this committee and participated in the study section one summer to talk about this manual, so this has been around for a while. I guess my frustration is that manual had hearings, and the departments had an opportunity to come in and have input into changes that they thought were appropriate. I was surprised how few comments about the manual were made. So the manuals were adopted after public hearing, it has only been around for a couple of months. Now we find two agencies that come in and want to change the rules. I would suggest that we should pass the bill unamended and let nature take its course for a little while and see if this new manual is going to do the job or not. I feel sort of offended that people are now having a chance to participate in this very lengthy document, and it is printed and circulated by the dozens, and now they want to change it. I would recommend that we not approve the amendments, but we approve the bill as amended by the House.

SENATOR FERNALD: Senator King, I am just trying to figure something out. When I look at the amendment in the calendar, and it is talking about a manual. It is talking about a manual that is from RSA 21-I, and then I look at page four, I thought that we were talking about a different manual, because then on page four of the bill, where we are in 541-A, are we talking about the same manual or are these two different manuals?

SENATOR F. KING: At the present time, the Administrative Rules Committee has oversight over items that are talked about in the amendment. I think that they should be retained there. I think that it is making the change to the 541 manual that has just been adopted. **TAPE INAUDIBLE.** I think that we should pass the bill. I don't think that this is an earth shattering issue, but I think that we ought to let the process settle out a little while before we start changing it. You are just as familiar with the process as I am.

SENATOR FERNALD: Well, no. Not as familiar, but somewhat.

SENATOR LARSEN: I only wanted to add that I agree that when we have worked on a bill for a long time that it is hard to have someone come into the Senate and say the work started in the House, to have someone come in and say that they found a problem with this. But if we can't be responsive to that kind of a discussion and allow for that discussion to continue, whether it be in Committee of Conference or whatever, then I think that we make a mistake in passing a law that hinders our own executive agencies. We heard from the two agencies, Administrative Services and Health and Human Services, that passing such a law would cause difficulties in normal operations and hamstringing what they are trying to accomplish. The particular interest in Administrative Services was that financial reporting requirements intradepartmental, would be subject to administrative rule review, which would mean that the kind of frequent request for changes would have to go through rules before you could ask a department to slightly change their financial

reporting requirements. Some of those kinds of instances are ones which I think warrant our putting an amendment on, allowing this process to continue, if it goes to a Committee of Conference, so be it, but I think that it is important that this Senate allows this attention to this kind of detail to happen. So I recommend that we pass this bill as amended, as recommended by the committee.

SENATOR F. KING: Senator Larsen, would you believe that for the six years that I have sat on this committee that it is not unusual for the agencies and commissioners to come out and feel that they are being hamstrung by legislative oversight?

SENATOR LARSEN: I sat there with you and I recognize that often times, not only the commissioners and agencies feel hamstrung, but so do the legislative representatives who have to sit there for long days at end doing minutia. But, I think given that this is a small item that still needs attention, I think that we need to go to a Committee of Conference and resolve it.

SENATOR FERNALD: I just wanted to mention that the manual that is referenced in the amendment is not the style manual for rulemaking, it is the manual that the Commissioner of Administrative Services is required to create that is the format for accounting and financial reports.

A division vote is requested.

Yeas: 13 – Nays: 11

Amendment adopted.

Ordered to third reading.

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. Finance Committee. Ought to Pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 405 increases the annual appropriation of funds transferred to cities and towns and counties for juvenile diversion and alternative disposition programs, and programs for the prevention of child abuse and neglect. Under current law, an amount of six percent of the budget for placement cost within the division for children, youth and families, is appropriated and transferred to cities, towns and counties. The funds support programs, which are alternatives to placement outside the home. This bill is amended by the House, increases the percentage of placement from six to six and a quarter percent, and requires the department to establish measures to evaluate the programs in terms of best practices, and to report on the effectiveness of the programs funded by the governor, the speaker and the Senate President, on June 15 of each odd numbered year. The timing of the report coincides with the biennial budget cycle and is believed to be of assistance to us in making our deliberations. Senate Finance recommends HB 405 ought to pass.

Adopted.

Ordered to third reading.

HB 618-FN-A, establishing a voucher program for smoking cessation. Finance Committee. Vote 8-0. Ought to pass with amendment, Senator Squires for the committee.

2000-4504s**09/04****Amendment to HB 618-FN-A**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a voucher program for smoking cessation.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Smoking Cessation Voucher Program. Amend RSA by inserting after chapter 126-N the following new chapter:

CHAPTER 126-O**SMOKING CESSATION VOUCHER PROGRAM**

126-O:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

126-O:2 Program Established; Rulemaking.

I. There is established the smoking cessation program which shall be administered by the department. The department shall make available to persons receiving temporary assistance to needy families, vouchers which may be issued to persons for smoking cessation aids and educational programs. Vouchers shall not be issued for pharmaceuticals which are covered under medicaid.

II. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

(a) An application process and manner of distribution of vouchers.

(b) Authorized smoking cessation aids and educational programs.

(c) Any other matter necessary to the administration of this chapter.

2 Appropriation. There is hereby appropriated to the department of health and human services for the purposes of RSA 126-O as inserted by section 1 of this act, the sum of \$150,000 for the fiscal year ending June 30, 2001, and \$150,000 for each of fiscal years 2002 and 2003, from the moneys received under RSA 126-K:15, the tobacco use prevention fund.

3 Repeal. RSA 126-O, relative to a smoking cessation voucher program, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

2000-4505s**AMENDED ANALYSIS**

This bill establishes a smoking cessation voucher program to be administered by the department of health and human services and funded from the tobacco use prevention fund.

SENATOR SQUIRES: When we passed the original bill allocating the tobacco settlement funds according to the guidelines of the CDC, we actually passed an appropriation in the amount of \$2,850,000, although we had originally stated that the commitment was to be \$3 million. This bill fills in the missing \$150,000. It is a little odd, but it does the trick. It allocates funds and makes an appropriation for the cessation programs for individuals currently in the TANF, enrolled as a TANF recipient. This is

the outcome of the study committee that examined this throughout last summer. It is the final piece in the increasingly complex puzzle that we tried to sort out, that comprised the tobacco settlement money. I urge you to pass it. Thank you.

Amendment adopted.

Ordered to third reading.

HB 648-FN, relative to a sludge testing program, and providing that coated printing paper purchased by or for state agencies shall contain not less than 10 percent post consumer waste material. Finance Committee. Vote 8-0. Ought to Pass, Senator Larsen for the committee.

SENATOR LARSEN: House Bill 648 was referred to Finance from the Environment Committee. This bill authorizes the department to transfer up to \$85,000 each year in fiscal year 2000 and 2001 from the Water Pollution Program State Aid Grant Line to the Sampling and Analysis of Sludge and Bio Solids Samples Fund. The transfer would only be allowed if all payments are made to the communities and that there is an excess of appropriations. The total appropriation for the State Aid Grant Line in fiscal year 2000 is \$13,371,027, and in fiscal year 2001 it is \$12,952,953. The department has stated that there may not be an excess appropriation to make the transfer; also the bill as amended requires the state to use 10 percent PCW coated paper, which I understand is already a policy. The Department of Administrative Services has stated that this would not result in any increased cost because the department already purchases paper that meets this requirement. Senate Finance recommends HB 648-FN as ought to pass.

Adopted.

Ordered to third reading.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law, and relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. Finance Committee. Vote 7-1. Ought to Pass, Senator Fraser for the committee.

SENATOR FRASER: Madame President, HB 1189 as introduced, increases the maximum weekly unemployment benefit in the years 2000-2001. The bill also extends the sunset provision for the administrative contribution for two more years, since it seems unlikely that the federal government will devolve its portion to the state. Additionally, the bill raises the failure to file fee from \$10 to \$25. The bill also makes technical changes that are necessitated by changes in the federal law. The bill, as it was amended in the Senate Insurance Committee, it addresses unemployment benefits for part-time workers. Employers pay unemployment taxes though the employees are not eligible for benefits if the tax is paid for, unless the individual is available for full-time work. The bill now defines the criteria that part time workers must meet in order to be eligible for benefits. Eligibility requirements include earning 60 percent of their income from part-time work. The person must also be willing to work for at least 20 hours a week to continue employment, although there are important exemptions. The individuals who are the only available source of care for children, or sick immediate family members are allowed to limit their availability. This is a matter of equity, to people that have been substantially working in the part-time sector. Unemployment taxes were paid by their employer and they are now out of work and caring for a child or a sick family member. The bill

grants them this deserved unemployment benefit. Madame President, if you recall, when the bill was being debated, as it came out of the Insurance Committee, there were some misunderstanding as to what position the Division of Employment Security had taken. It was quite clear in the Senate Finance Committee, that the Division of Employment Security strongly supports HB 1189 as amended.

Adopted.

Ordered to third reading.

Recess.

Out of Recess.

HB 1240, requiring the department of health and human services and insurers to make prompt payments. Finance Committee. Vote 8-0. Ought to Pass, Senator Fraser for the committee.

SENATOR FRASER: Madame President, HB 1240 requires the Department of Health and Human Services to make payments to health and dental care providers within 45 days of receiving the clean claim. Insurers that issue or renew individual accident or health policies, a group or blanket accident or health insurance, shall make payments to the New Hampshire health care providers within 45 days of receipt of a clean written claim, or within 15 days of receipt of clean electronic transfer claim. Health service corporations or other similar corporations licensed under the laws of another state make payments to New Hampshire healthcare providers within 45 days of receipt of a clean written claim, or within the days of receipt or 15 days of receipt of a clean electronic claim. Health carriers issuing health benefit plans shall make payments to New Hampshire health care providers for services rendered in New Hampshire within 45 days of receipt of a clean written claim or within 15 days of receipt of a clean electronic claim. The bill provides a definition of a "clean claim", establishes a rate of interest of 1.5 percent for late payments, provides for the collection of reasonable attorney fees, and authorizes the insurance commissioner to suspend or revoke the license or certificate of authority for insurers with a pattern of overdue payments. The bill also provides exceptions for circumstances outside the insurer's control. The Senate Finance Committee was unanimous in recommending this bill out at ought to pass.

Adopted.

Senator F. King offered a floor amendment.

2000-4517s

01/09

Amendment to HB 1240

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of health and human services and insurers to make prompt payments and relative to certain nursing homes.

Amend the bill by replacing section 6 with the following:

6 County Nursing Homes; Proportionate Share Payments. Amend RSA 167:18-h, II-IV to read as follows:

II. The counties shall be responsible for making intergovernmental transfers to the state in each year of the biennium in an amount equal to 50 percent of the first [~~\$12,500,000~~] **\$16,500,000** each year in proportionate share payments.

III. The counties shall be responsible for making intergovernmental transfers to the state in each year of the biennium in an amount equal to 100 percent of any amount in excess of [~~\$12,500,000~~] **\$16,500,000** up to [~~\$25,000,000~~] **\$29,000,000** each year.

IV. The intergovernmental transfer of funds received in each year of the biennium in excess of the initial [~~\$25,000,000~~] **\$29,000,000** in proportionate share funds shall be distributed in the following manner: the counties shall retain 25 percent of the proportionate share funds and transfer to the state 75 percent of the proportionate share funds in each year.

7 Provider Reimbursement Increase; Fiscal Year 2000. The department of health and human services shall pay all county and non-county nursing facilities the 3 percent provider reimbursement increase for fiscal year 2000 which the New Hampshire general court authorized in 1999, 159. The department shall pay the nursing facilities such funds retroactive to July 1, 1999, when the increase was authorized to become effective.

8 Provider Reimbursement Increase; Fiscal Year 2001. The department of health and human services shall pay all county and non-county nursing facilities the 3 percent provider reimbursement increase for fiscal year 2001 which the New Hampshire general court authorized in 1999, 159. The department shall pay the nursing facilities these funds on a monthly basis beginning on July 1, 2000 and continuing until June 1, 2001.

9 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

II. Sections 6 and 8 of this act shall take effect July 1, 2000.

III. The remainder of this act shall take effect January 1, 2001.

2000-4517s

AMENDED ANALYSIS

This bill:

I. Requires the department of health and human services to pay its dental and other health care providers for services rendered to medic-aid recipients promptly.

II. Requires insurers offering health benefit plans to pay health care providers in a timely manner.

III. Changes the amount of the proportionate share payments for county nursing homes.

This bill also provides a payment schedule for the provider reimbursements increases authorized in 1999, 159.

SENATOR F. KING: I was a sponsor in 1998 of SB 409, which is legislation that provided for the reorganization of long-term care plans in the state. I might have even started it in 1997. That bill was very...received a great deal of attention. An awful lot of work was put into it by an awful lot of people. One of the...out of that came an agreement between the private nursing home industry in the state and the state, relative to a tiered system of payments. The state agreed to go to a one tier system of payments, and they haven't done that yet. They are phasing it in. There is presently a lawsuit, brought by the New Hampshire Healthcare Association against the state. It has been dragging on. The counties are a party to that lawsuit, because the counties, as you know, contribute 25 percent of the costs for people in nursing homes, so they have a considerable amount of money at risk. The counties employed an attorney from the state of Washington, actually, whose career has been spent on these types of issues. There was an agreement crafted in April, and you have a letter today, that essentially speaks to that. The agreement was between the state, the counties, and the health care and the Health Care

Association. I was contacted just a few days ago. You will see this amendment is only a couple of days old, so I haven't had a chance to speak to all of the people about it, about trying to get this lawsuit settled. Now in our budget this year, we put 3 percent in for provider payments. In the nursing home industry, both private and public, assumed that they would get a 3 percent increase in their rates. They actually received a 2.7 percent rate increase in February, I think that is what it was, but they didn't get any rate increase prior to that, and also the question about the rate increase going forward. The nursing home industry is in critical state right now, in the state of New Hampshire. **TAPE CHANGE** and they are continually being required to provide more and more services and they have come under more and more scrutiny of the surveyors. So what I told the parties is that I would craft this amendment that you now have, provided that they would agree to drop the lawsuit and get back to doing business as usual. This letter states about this agreement, that the Assistant Attorney General crafted in April. I have a copy of that. It has now been said that this letter does not say that they will drop the lawsuit. But in the agreement, on page one, it says, "Upon execution of this agreement, The New Hampshire Health care Association shall dismiss the lawsuit with prejudice and the Health Care Association will execute releases." Now Senator Gordon represents to me that "with prejudice" that means they drop it and that is it. So it appears that they are willing to drop the lawsuit when they sign this agreement, and the letter that you have says that they are going to sign the agreement. So the amendment itself, obviously, deals with two items. The first item that it deals with is the issue of pro-share. Pro-share money is money that only the counties are entitled to under the federal law, if they see fit to do that. It is money that comes through an inter-governmental transfer from the feds directly through the state, directly to the counties. In 1997 when the state was having a hard time passing its budget, the counties agreed with Terry Morton to provide him with a portion of that pro-share money to help the state get through that budget crunch. What we are trying to do in this first part of the amendment, is to increase the county's share by \$2 million. The state's share would...this money is sort of like the disproportional health care money that the hospitals get. The money comes into the state and the state sends half of it back to the federal government. So right now, the counties are getting \$6,250,000 and the state gets \$6,250,000. Under this amendment, the counties will get \$2 million more initially, and the state will get its agreed upon amount and then anything over that will be shared 50/50. The 3 percent provider payment is simply the money that we agreed to provide them. Obviously, if this were to pass the Senate, it would have to go to the House. I would expect the House to scrutinize and make sure that money that has already been put into the nursing home payment schedule would not be duplicated. Thank you very much.

SENATOR MCCARLEY: I rise to speak, painfully, to be honest with you, against this floor amendment. It is clearly an amendment that will have a lot of support out there and I understand that. We have had a lot of other bills of late that I have had to speak against because I think that they are fiscally not responsible. So I will start at that place as to why I am speaking against it. The commissioner of Health and Human Services cannot put this into place. Either piece of this, he cannot put into place. The first piece regarding the county pro-share dollars, while indeed can be put into place, it means reductions in the Division of Elderly and Adult Services. The very services that, in fairness, Senator King

was the prime sponsor on 409, but Senator King and I both did a lot of work on 409 because we believed that we were moving things forward. We believed that we were going to make things better in our communities and keep more people out of nursing homes and in care that would be more suited to how they could live. This is going to be taking some money away from some of those projects that are just getting underway, in terms of the Division of Elderly and Adult Services. So I can't support that. I simply cannot do that. Now the issue of the reimbursement rates, I think, having worked on Senate Finance with Senator King worked particularly on the health and human services piece of that budget. I had a great deal of difficulty figuring out ways to provide the increase that was wanted in those provider pay lines. Frankly, we were only able to come close to meeting those increases we put in because the commissioner of Health and Human Services has been able to get some more Medicaid enhancement dollars. But the reality is, the pledge in those lines was, that indeed there would be money to pay reimbursement rates up to 3 percent per year. But, it was not a guaranteed promise in legislation that it was going to be the 3 percent per year reimbursement rates to the county and the private nursing homes. So I think that that has to be mentioned here as well. Finally, on the issue of the settlement. We don't want a lawsuit. Senator King and I worked two years ago trying to get us out of a lawsuit situation involving the exact same set of parties. I think that unfortunately, with the way that the equity system went in, there were issues raised. The Health Care Association has raised those issues, is indeed, currently facing, I believe, court proceedings starting in about another month, there is still some time to continue to try and negotiate this, but I think that we are ill advised, at this time, to do either piece of this legislation. Again, I heard from my constituents from the private nursing homes and I have heard from the counties. I already know that I am not making anyone happy, but I think that this is fiscally not the time to do this. I would also say that while I respect Senator Gordon's opinion on what that language means, I do also know, as is the way with lawyers, Senator Fraser, the Attorney General's Office has some concerns about the way the letter and the backup reads. At a minimum, I would think that we would want to hear from that before we sign off on something that could be settling something that we are not sure will work. Thank you.

SENATOR F. KING: Senator McCarley, have you seen the agreement that the Deputy Attorney General prepared?

SENATOR MCCARLEY: Yes, I have.

SENATOR F. KING: It was prepared for the parties to sign, do you agree with that?

SENATOR MCCARLEY: That is my understanding, that it was. I understand that the Attorney General's Office, at that time, April 27 or so, was prepared to try to move this along in terms of the settlement. My understanding is, the language in the letter, which we received today, perhaps raises some issues about the intent. I am speaking, only again, having had that information from the Attorney General's Office.

SENATOR F. KING: Are you aware that there is a stipulation that the parties are going to sign if this bill passes, that they will sign the agreement that the Attorney General prepared?

SENATOR MCCARLEY: I am aware of that.

SENATOR F. KING: And, you dispute the language that says that "they shall dismiss the lawsuit with prejudice?"

SENATOR MCCARLEY: I am not disputing that language. I am disputing the issue that the Attorney General indicated that as a result of reading the cover letter associated with the settlement language. I am also raising, as an issue, that this is actually one step before the final settlement language. I understand that those are minor differences, but I raise it, because these are the sort of things that can sometimes land us in trouble.

SENATOR F. KING: Thank you very much.

SENATOR WHEELER: Senator McCarley, with all of this discussion of settling the suit, do you agree with me that paying the industry a rate increase in exchange for its withdrawal of litigation just encourages future litigious behavior by the industry against the state and counties?

SENATOR MCCARLEY: I believe that you could believe that, and I might be persuaded to believe that as well, Senator Wheeler.

SENATOR GORDON: Senator King, I guess that my concern in deciding whether to vote on this has to do with the effect of this legislation. There is apparent agreement that if we pass this, at least one party has agreed to enter into this agreement. That is the Attorney General's Office, on behalf of the state, obligated to enter into this agreement, and will they necessarily enter into this agreement if we pass this legislation?

SENATOR F. KING: I don't think that I can speak for the Attorney General, but what I can say is, that the Attorney General prepared this agreement. The same Attorney General that has been around the State House talking to us, so it was prepared by that person, and if the parties that have signed it, signed it, then I would think that that was an agreement enough. I would think that that would constitute an agreement because the Attorney General, obviously, represents the third party in this, which is the Health and Human Services, so I am making the assumption that if the document was good in April that it is still good now. The stipulation that is spoken about, does require the signature, not only the Attorney Gorman, but the Attorney Kirby, who is a deputy county attorney in Hillsborough county, so there would be four signatures. I assume, unless she thought her document was no longer valid, she would probably have to sign, I would guess. I don't know.

SENATOR GORDON: I guess my concern arises from the fact that the Attorney General prepared the agreement and now the attorney is not sure that the language that the Attorney General prepared means what it did when he prepared it, so... I guess I am trying to figure out whether or not if we pass this bill, whether there is an obligation on both parties to go forward with the agreement? I guess what I am hearing you say is that you think that there is, as far as the Attorney General is, but you are not sure whether the Attorney General will be obligated?

SENATOR F. KING: The thing that we know is that the counties and the private nursing homes are agreeing, because they signed this. I was told yesterday that the Attorney General would also sign this, but I understand that obviously, being an administrative agency, that they may be under some duress. I would say that not knowing that to be a fact, but I believe that if an attorney prepares a document, and says, "sign it and we have a deal", and the circumstances haven't changed, then I think that they have an obligation to stand by their deal. I would hope that they would, I would if I was selling them an automobile.

SENATOR TROMBLY: Senator McCarley, I just need to know, based on...I need to know when did you speak to the Attorney General's Office and what they perceive the status of this so-called settlement as of today?

SENATOR MCCARLEY: The settlement...I think that one of the difficulties...I spoke with the Attorney General's Office this morning, along with the deputy commissioner of Health and Human Services, at the same time, because they had just seen these documents. In fairness to any attorney, particularly, frankly, an attorney representing the state, I would hope that they would say, we should look at this. But there were some initial concerns, based on the cover letters, stipulating the signoff and some settlement issues. So I guess to respond to your question, I think that we also have a situation where the settlement is tied to this legislation in some ways, but in some ways, actually the settlement is about issues to do with the lawsuit that aren't speaking to the reimbursement rates per se. I mean, this is not a fairly simple sort of thing, it is actually a fairly complicated kind of issue. So having said all of that and in addition...so that answers your question. I am sorry, Senator Trombly. I spoke with the Attorney General's Office this morning.

SENATOR TROMBLY: And they are not going to sign this stipulation?

SENATOR MCCARLEY: I did not ask them if they were going to sign the stipulation. They raised issues based on language of the cover letter, whether or not indeed, what was attached to it would guarantee that if this legislation passed, exactly as it is, there were no more questions and this was signed off on.

SENATOR PIGNATELLI: I am not supporting this amendment and it has less to do with the...what is in this amendment, as it does with the bill that it is put on. The bill that it is put on, the prompt payment bill, is an exact copy of a bill that I and 15 others of you sponsored regarding prompt payment that was over in the House. The lobbyists for the counties attempted to have this amendment, or an amendment similar to this one, put on over in the House, and I supported that. I thought that if the House went along with that, it would be okay. But our agreement was, that the bills would travel together, and end up exactly the same, both be signed by the governor, and there certainly was enough credit for all of us to go around. So I feel like the House has maintained its bargain. They passed the prompt payment bill yesterday. It looks like to me, we are not holding up our end of the bargain. If the House had been willing to accept this amendment, we probably would have put it on in the Senate as well, and they would have traveled along together, but I think that this is an end run at the last minute, and I don't like it, and I am not voting for it.

A roll call was requested by Senator F. King.

Seconded by Senator Francoeur.

The following Senators voted Yes: F. King, Gordon, Johnson, Roberge, Eaton, Squires, Francoeur, Krueger, Brown, Russman, Klemm.

The following Senators voted No: Fraser, Below, McCarley, Trombly, Disnard, Fernald, Pignatelli, Larsen, J. King, D'Allesandro, Wheeler, Cohen.

Yeas: 11 - Nays: 12

Floor amendment failed.

Senator Fraser offered a floor amendment.

Sen. Klemm, Dist. 22

Sen. Fraser, Dist. 4

Sen. Wheeler, Dist. 21

Sen. Krueger, Dist. 16

2000-4568s

10/01

Floor Amendment to HB 1240

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of health and human services and insurers to make prompt payments, and relative to sales of insurance by financial institutions.

Amend the bill by replacing section 6 with the following:

6 New Section; Insurance Referrals. Amend RSA 402 by inserting after section 16-a the following new section:

402:16-b Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

7 New Section; Insurance Referrals. Amend RSA 405 by inserting after section 17-b the following new section:

405:17-c Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

8 Purpose; Reference to "Place With a Population of 5,000" Removed. Amend RSA 406-C:1 to read as follows:

406-C:1 Purpose. The purpose of this chapter is to **authorize and** regulate the solicitation for purchase and the sale in this state of insurance by financial institutions ~~[in places with a population of 5,000 or fewer people and to direct and authorize the insurance commissioner to adopt such rules as may be necessary to protect the interests of insurance policyholders in this state]~~ and to maintain parity with respect to the insurance powers of state and federally chartered financial institutions.

9 Definition; Financial Institutions. RSA 406-C:2, IV is repealed and reenacted to read as follows:

IV. "Financial institution" means a bank, savings bank, savings and loan association, trust company, or any depository institution as defined by the Federal Deposit Insurance Act, as amended, 12 U.S.C. section 1813(c)(1), which is authorized to take deposits and make loans from a place of business in the state. For the purposes of this chapter, the term financial institution shall also include any non-depository affiliate or subsidiary of a financial institution but only in the instances when the non-depository affiliate or subsidiary is soliciting the sale or purchase of insurance recommended or sponsored by, on the premises of, or in

connection with a product offering of, the depository financial institution. Activities of employees and agents of a financial institution shall be deemed to the activities of the financial institution. The term does not include an insurance company subject to regulation under title XXXVII.

10 Definition; Nonpublic Customer Information. Amend RSA 406-C:2, V to read as follows:

V. "Nonpublic customer information" means information regarding a person that has been derived from a record of a financial institution concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, and insurance history of an individual[, ~~and such other information as established by rules adopted by the commissioner~~]. "Nonpublic customer information" does not include customer names, addresses, and telephone numbers.

11 Separation of Activities. Amend RSA 406-C:7 to read as follows:
406-C:7 Separation of Activities.

I. Solicitation for the purchase or sale of insurance by the financial institution shall, to avoid customer confusion and to the extent practicable, be conducted in a physical location distinct from the area where retail deposits or credit transactions are being conducted [~~in accordance with rules adopted by the commissioner~~].

II. Solicitation for the purchase or sale of insurance by a licensed employee who exercises authority over credit transactions shall be conducted in a manner which addresses the potential for customer confusion and coercion[, ~~consistent with rules adopted by the commissioner~~].

III. Signage, informational materials, and sales literature concerning the availability of insurance products through the financial institution shall be utilized and displayed in [~~accordance with rules adopted by the commissioner~~] ***the manner required by this chapter.***

IV. If the product name under which the insurance contract is marketed includes the name of a financial institution, then the marketing material must[, ~~in accordance with rules adopted by the commissioner~~], prominently identify the insurance company which issues and underwrites the insurance contract.

12 Disclosures. Amend the introductory paragraph of RSA 406-C:8, I to read as follows:

I. To avoid customer confusion and in addition to any other requisite disclosures, all advertising, promotional material, and solicitation, including telemarketing contacts ***in the case of life insurance and annuities***, shall[, ~~as required under rules, bulletins, or interpretive rulings adopted or promulgated by the commissioner~~], include a prominent disclosure that substantively states that a purchase of insurance:

13 Insurance Referrals. RSA 406-C:12, I is repealed and reenacted to read as follows:

I. An employee of a financial institution who is not licensed to sell insurance may refer a party to a person who is licensed to sell insurance, if the employee making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

14 Prohibited Practices. Amend RSA 406-C:12, III to read as follows:

III. An insurance product shall not be offered in a package with non-insurance products in [~~violation of rules adopted by the commissioner to prohibit~~] ***a manner that constitutes*** unlawful tying activities, rebating, and unfair competition with respect to insurance sales.

15 Service Corporations; "Place of 5,000" Removed. Amend RSA 384:16-b, III to read as follows:

III. ~~[Provided further that any contrary provision of law notwithstanding, the provisions of paragraph II apply only to a bank or banking association and its subsidiary and do not apply to an affiliate thereof, and] The provisions of this section shall not be construed to prevent such bank, banking association, or subsidiary from conducting insurance activities pursuant to RSA 406-C and rules adopted under RSA 406-C, as permitted in RSA 394-A:9[if such financial institution or its subsidiary is located in a place of 5,000. A place of 5,000 means a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census]. An affiliate of any bank or banking association shall be bound by the provisions of RSA 406-C, with respect to sales of insurance in this state which are recommended or sponsored by a *depository* financial institution or sold on the premises of a *depository* financial institution.~~

16 Insurance; "Place of 5,000" Removed. Amend RSA 394-A:9, I to read as follows:

I. ~~[(a) The insurance activity may be conducted only by the financial institution, or a subsidiary of the financial institution that is located in a place of 5,000. A place of 5,000 shall mean a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census; and~~

(b) The conduct of the insurance activity shall comply with the provisions of RSA 406-C and any rules adopted thereunder, any applicable state insurance licensing laws and rules, and all applicable federal and state consumer protection laws, including the federal anti-tying provisions of 12 U.S.C. section 1972.

17 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title *or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance* and such other rules and regulations as are reasonably necessary to implement ~~[the]~~ *such* provisions ~~[of this title]~~.

18 Repeal. RSA 406-C:2, VI, relative to the definition of "place of 5,000," is repealed.

19 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4568s

AMENDED ANALYSIS

This bill requires the department of health and human services to pay its dental and other health care providers for services rendered to Medicaid recipients promptly. This bill requires insurers offering health benefit plans to pay health care providers in a timely manner.

This bill also makes changes to the laws regulating sale of insurance by financial institutions, including removing the "place of 5,000" restriction on insurance sales, changing provisions regarding the separation of banking and insurance activities, and repealing certain rulemaking provisions.

SENATOR FRASER: Madame President, I rise to offer a floor amendment. After I introduce the amendment and explain what is in it, Madame President, I would hope that you would recognize Senator Klemm who will speak to why we need this amendment. This amendment is our bill, SB 353 that passed the Senate on a voice vote, probably about ten

days ago. It is a good bill. It is in response to *Gramm-Leach-Bliley*. What the bill does is repeals a place with population of 5,000 restrictions, which is in the current statute regarding the sale of insurance by financial institutions. The bill also allows for the payment of finders fees to bank employees who are not licensed, as long as the payment is a nominal amount and not based on the actual purchase of insurance. The committee, at that time, was unanimous in sending this bill to the House. It is a very important bill 353, Madame President. I am going to ask you to recognize Senator Klemm, who will explain why it is essential that we have this amendment.

SENATOR KLEMM: I rise in favor of this amendment. As Senator Fraser said, this bill was passed unanimously by voice vote and sent over to the House. There have been some controversial amendments put on in the House on 353, so we would like to add this amendment to ensure that we would be able to pass 353. Thank you.

SENATOR WHEELER: I, too, rise in favor of the amendment. I want to try to explain the concerns expressed by Senator Pignatelli. It is my understanding that this amendment has the full agreement of the chairman of the Commerce Committee, and that they will not ask for a Committee of Conference. I think that it is safe, as far as 1240 is concerned, to put this amendment on it as Senator Fraser and Senator Klemm said, it is an important piece of legislation which the Banks Committee was quite positive about, and we are sorry that it is being jeopardized by actions in the House. I feel that it is safe to put it on 1240, and I hope that you will support it.

SENATOR PIGNATELLI: Well first of all, ditto, my remarks regarding Senator Fred King's amendment. Just because I hear that a chairman over in the House says that the House of 400 will go along on his say-so, doesn't mean that they might. I feel like I made an agreement, and this was an agreement that we would not put any amendments on this bill, and they would not put any amendments that would jeopardize the other bill. I think that they have lived up to their bargain, and I think that we view this as something that isn't needed because it is already going through in the House. I feel that I have made a commitment to Toni Crosby and the other House sponsors of her bill, and I am not ready to go back on it because the House is dicking around with something that we think has passed and ought to go through. So I am not voting for this one either.

SENATOR FRASER: I just want to assure Senator Pignatelli that if for any purpose the bill should get into trouble, 1240 should get into trouble in the House and we go to a Committee of Conference, I will assure her that the original bill that we all support, will be the bill that will come out of the Committee of Conference.

SENATOR F. KING: Senator Pignatelli, someone spoke earlier and said that this identical bill passed in the House yesterday. I forgot who said that. So if it is gone, they can't do any damage over there on that because they have already passed it. So this almost becomes academic.

SENATOR PIGNATELLI: Well that may be, but I feel like I made an agreement with the sponsor of this bill and with the members of the committee, and as we moved ahead, we made sure, and it was hard work because it was a complicated bill, that both...any amendment added onto the House bill would also be added onto the Senate Bill and that they

would proceed together, the governor would sign both of them. They would be exactly the same and that there was enough credit to go around. So it looks like this is going to pass, but it isn't going to pass with my vote.

SENATOR GORDON: I just want to rise in support of Senator Pignatelli on this particular issue. I have no problem with adding amendments to bills, and I really don't think that is a problem, and I think strategically that this is the time of the year that happens and we ought to do that, but we do try, in this body, at least, to have courtesy for other Senators. At this point in time, we have one of our Senators here who says that this bill is important to them and they would prefer not to have an amendment put on it. That being the case, I just want to indicate that I am not going to vote for the amendment. Not because I don't think that it is a good idea, I just don't think that this is necessarily the bill that we ought to put it on. There are lots of bills here today, and I think that we are going to have plenty of time to find another one, we could do that.

A roll call was requested by Senator Gordon.

Request for a roll call was withdrawn.

Floor amendment was withdrawn.

Question is on motion of ought to pass.

Adopted.

Ordered to third reading.

HB 1251, relative to driver education training reimbursement. Finance Committee. Vote 8-0. Ought to pass with amendment, Senator J. King for the committee.

2000-4506s

05/09

Amendment to HB 1251

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2000.

SENATOR J. KING: This bill authorizes the reimbursement of students attending private driver training courses. The department has determined that there are 4,000 students attending private driver training courses that would now become eligible for the \$150 reimbursement. The total cost would be \$600,000 annually. The reimbursement is made from the Driving Training Fund. Senate Finance recommends this be as ought to pass with amendment.

Amendment adopted.

Ordered to third reading.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. Finance Committee. Vote 8-0. Ought to Pass, Senator F. King for the committee.

SENATOR F. KING: The Finance Committee looked at this bill and it is a worthy piece of legislation. The impact is \$20,000 and we recommend ought to pass.

Adopted.

Ordered to third reading.

HB 1504, relative to submission of biennial budget estimates by agencies. Finance Committee. Vote 7-0. Ought to pass with amendment, Senator McCarley for the committee.

2000-4529s

09/04

Amendment to HB 1504

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, and increasing certain appropriations to the legislative branch for consultants.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Branch; Senate. Amend 1999, 159:1.01, 02, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	33,000	33,000
Insert in place thereof:		
46 Consultants	333,000	33,000
Strike out:		
Total	1,347,509	1,369,735
Estimate source of funds for Senate		
General fund	1,347,509	1,369,735
Total	1,347,509	1,369,735
Insert in place thereof:		
Total	1,647,509	1,369,735
Estimated source of funds for Senate		
General fund	1,647,509	1,369,735
Total	1,647,509	1,369,735

2 Legislative Branch; House. Amend 1999, 159:1.01, 02, 01, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	2,000	2,000
Insert in place thereof:		
46 Consultants	302,000	2,000
Strike out:		
Total	2,741,217	2,864,330
Estimated source of funds for House		
General fund	2,741,217	2,864,330
Total	2,741,217	2,864,330
Insert in place thereof:		
Total	3,041,217	2,864,330
Estimated source of funds for House		
General fund	3,041,217	2,864,330
Total	3,041,217	2,864,330

3 Legislative Budget Assistant; Audit Division. Amend 1999, 159:1.01, 02, 03, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	300,000	300,000
General fund	1,897,629	1,918,598
Total	2,197,629	2,218,598
Insert place thereof:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	1,100,000	300,000
General fund	1,097,629	1,918,598
Total	2,197,629	2,218,598

4 Legislative Budget Assistant; Budget Division. Amend 1999, 159:1.01, 02, 03, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Insert:		
94 Tax Modeling	185,000	0
Strike out:		
Total	808,264	803,865
Estimated source of funds for Budget division		
General fund	808,264	803,865
Total	808,264	803,865
Insert in place thereof:		
Total	993,264	803,865
Estimated source of funds for Budget division		
General fund	993,264	803,865
Total	993,264	803,865

5 Department of Revenue Administration; Administration. Amend 1999, 159:1.01, 07, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY2001</u>
Insert:		
90 Tax modeling	F 15,000	0
Strike out:		
Total	1,313,889	1,311,748
Estimated source of funds for Administration		
General fund	1,313,889	1,311,748
Total	1,313,889	1,311,748
Insert in place thereof:		
Total	1,328,889	1,311,748
Estimated source of funds for Administration		
General fund	1,328,889	1,311,748
Total	1,328,889	1,311,748

6 Department of Environmental Services; Oil Pollution Control Fund.
Amend 1999, 159:1.03, 04, 04, 04, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
59 Part-time-benefited	45,000	47,250
Insert in place thereof:		
59 Part-time-benefited*	70,584	74,707
* There is hereby established one new librarian I (labor grade 17) position in the public information center.		
Strike out:		
60 Benefits	152,280	150,176
Insert in place thereof:		
60 Benefits	160,212	158,688
Strike out:		
Total	2,073,557	2,075,922
Estimated source of funds for Oil pollution control fund		
09 Agency income C	2,073,557	2,075,922
Total	2,073,557	2,075,922
Insert in place thereof:		
Total	2,107,073	2,111,891
Estimated source of funds for Oil pollution control fund		
09 Agency income C	2,107,073	2,111,891
Total	2,107,073	2,111,891

7 Health and Human Services Building. Amend 1999, 159:1.01, 04, 04, 05, 06 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
99 HHS transfer reduction	381,269-	393,951-
Strike out:		
Total	1,958,435	2,036,214
Estimated source of funds for health & human services bldg		
01 Transfers from other agencies I	1,958,435	2,036,214
Total	1,958,435	2,036,214
Insert in place thereof:		
Total	2,339,704	2,430,165
Estimated source of funds for health & human services bldg		
01 Transfers from other agencies I	2,339,704	2,430,165
Total	2,339,704	2,430,165

8 Medicaid Administration; Transfers to General Services. Amend 1999, 159:1.05, 01, 02, 04, 10 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
28 Transfers to general services D	149,552	155,360
Insert in place thereof:		
28 Transfers to general services D	530,821	549,311
Strike out:		
Total	13,175,828	14,290,419

Estimated source of funds for
Medicaid administration

00 Federal funds	8,894,873	9,695,902
General fund	4,280,955	4,594,517
Total	13,175,828	14,290,419

Insert in place thereof:

Total	13,557,097	14,684,370
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Estimated source of funds for
Medicaid administration

00 Federal funds	9,085,508	9,892,878
General fund	4,471,589	4,791,492
Total	13,557,097	14,684,370

9 Quality Assurance; Brown Building. Amend 1999, 159:1.05, 01, 04,
01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
90 Brown Building Op Exp	133,031	139,683
Strike Out:		
Total	791,897	776,727

Estimated source of funds for
Quality assurance

00 Federal funds	398,504	390,585
General fund	393,393	386,142
Total	791,897	776,727

Insert in place thereof:

Total	658,866	637,044
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Estimated source of funds for
Quality assurance

00 Federal funds	335,021	323,563
General fund	323,845	313,481
Total	658,866	637,044

10 Office of Director; Building Rent. Amend 1999, 159:1.05, 01, 06, 01,
01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike Out:		
91 Building rent	165,000	173,250
Insert in place thereof:		
91 Building rent	54,339	64,486
Strike out:		
Total	2,731,028	2,014,057

Estimated source of funds for
office of director

00 Federal funds	394,966	384,435
General fund	2,336,062	1,629,622
Total	2,731,028	2,014,057

Insert in place thereof:

Total	2,620,367	1,905,293
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Estimated source of funds for
office of director

00 Federal funds	380,580	370,296
General fund	2,239,787	1,534,997
Total	2,620,367	1,905,293

11 Food Protection; Rent. Amend 1999, 159:1.05, 01, 10, 04, 03 as follows:

		<u>FY 2000</u>	<u>FY 2001</u>
Strike out:			
99 Rent		31,389	31,389
Insert in place thereof:			
99 Rent		4,904	0
Strike out:			
Total		786,726	770,240
Estimated source of funds for			
Food protection			
09 Agency income	I	41,945	41,945
General fund		744,781	728,295
Total		786,726	770,240
Insert in place thereof:			
Total		760,241	738,851
Estimated source of funds for			
Food protection			
09 Agency income	I	40,271	40,245
General fund		719,970	698,606
Total		760,241	738,851

12 Purpose. Section 13 of this bill adds a new program appropriation unit, "NF Settlement," to the operating budget for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

13 NF Settlement. Amend 1999, 159:1 by inserting the following new PAU:

05 Health and Social Services

01 Dept of Health and Human Services

06 Div Elderly & Adult Services

04 Medical Services

05 NF Settlement

90 Client Payments	F	1	1
Total		1	1
Estimated Source of Funds for			
NF Settlement			
General Fund		1	1
Total		1	1

14 Capital Projects; 1993 Totals Adjusted. Amend 1993, 359:1, total state appropriation as amended by 1993, 360:7; 1994, 204:3; 1994, 382:8; and 1995, 309:25 to read as follows:

Total state appropriation section 1 ~~[\$41,906,731]~~ **\$53,112,158**

15 Capital Projects; 1993 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10; 1994, 204:4; 1994, 382:8, 1995, 309:26, and 1995, 310:190 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$69,974,158]~~ **\$75,974,158**, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

16 Office of Emergency Management; Reallocation of Existing Appropriation Authority.

I. From the following disaster accounts within the office of emergency management, the following amounts shall lapse to the general fund:

010-088-2790-090 Local Assistance – October/November 1995 severe rain and wind storms	\$ 4,556.00
010-088-2799-090 Public Assistance – October/November 1996 severe rain and wind storms and flooding	\$119,412.75
010-088-2800-092 Individual Assistance – January 1998 ice storm	\$ 1.00

II.(a) The following sums are hereby appropriated to the following accounts within the office of emergency management.

010-088-2800-090 Local Assistance – January 1998 ice storm	\$ 91,785.00
010-088-2801-490 Local Assistance – June 1998 flooding	\$ 24,567.75
010-088-2801-491 State Agencies – June 1998 flooding	\$ 7,617.00

(b) The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

17 Education Trust Fund; Transfer of Tax Revenues for Fiscal Year 2001. In lieu of the transfers required by RSA 77-A:20-a and 77-E:14, for fiscal year 2001, the state treasurer shall make quarterly transfers of \$13,125,000, based on estimates made by the commissioner of revenue administration, from the general fund into the education trust fund established in RSA 198:39. These transfers shall occur on the following dates: July 1, 2000, October 1, 2000, January 1, 2001, and April 1, 2001.

18 Lapse Date. Legislative Branch Appropriations. Amend 1999, 159:1 by replacing the totals and estimated source of funds for legislative branch with the following:

	<u>FY 2000</u>	<u>FY 2001</u>
Total	11,513,802	10,587,326
Estimated source of funds for Legislative branch		
General fund	10,311,002	10,184,526
Other funds	1,202,800	402,800
Total	11,513,802	10,587,326

All funds appropriated to the legislative branch for fiscal year 2000 which would otherwise lapse on June 30, 2000 shall not lapse until June 30, 2001.

19 Effective Date. This act shall take effect upon its passage.

2000-4529s

AMENDED ANALYSIS

This bill:

I. Increases appropriations to the house and senate for consultants' fees.

II. Increases an appropriation to the department of environmental services for part-time-benefited personnel.

III. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

IV. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

V. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

VI. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VII. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VIII. Provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

SENATOR MCCARLEY: House Bill 1504 as introduced and sent over to the Senate, had to do with deleting language about the need for submission of a maintenance level budget. After much discussion in Senate Finance, and Senator Below staying up nights being concerned about this and while he was away I spoke to how he was up nights. Senate Finance decided that we really didn't, at this point in time, to go into dealing with maintenance budgets, and whether they should or should not be a part of the process. So that part of the bill is gone. What is left in the bill, were many technical corrections and revisions to various appropriations that we have been making, and relative to the legislative branch for consultants. There is a long list of these amendments and all of these transfers in your backup. I am certainly not going to go through them one by one, but they were felt to be by the Legislative Budget Assistant's Office, as well as various agencies. Critical changes and alterations in terms of the budget for line item transfers. I would encourage your adoption of HB 1504 as amended by the Senate.

Amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

Sen. Johnson, Dist. 3

Sen. Klemm, Dist. 22

May 16, 2000

2000-4526s

10/01

Floor Amendment to HB 1504

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, and increasing certain appropriations to the legislative branch for consultants, and relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines.

Amend the bill by inserting after section 18 the following and renumbering the original section 19 to read as 24:

19 New Subparagraph; Application of Receipts; Fire Standards and Training Firefighter and Emergency Medical Services Training Fund. Amend RSA 6:12, I by inserting after subparagraph (bbbb) the following new subparagraph:

(cccc) Moneys deposited in the fire standards and training firefighter and emergency medical services training fund established in RSA 21-P:12-c.

20 New Section; Department of Safety; Fund Established. Amend RSA 21-P by inserting after section 12-b the following new section:

21-P:12-c Fire Standards and Training Firefighter and Emergency Medical Services Training Fund. There is established in the office of the state treasurer a separate nonlapsing fund to be known as the fire standards and training firefighter and emergency medical services training fund from which the state treasurer shall pay expenses incurred in the administration of the division's responsibilities under RSA 21-P:12-a.

21 Regional Community Technical Colleges; Police Standards and Training Council; Penalty Assessment for Fire Standards and Training and Emergency Medical Services Added. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [20] **25** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund [and]; 5 percent for the victims' assistance fund; **and 5 percent for the fire standards and training firefighter and emergency medical services training fund.**

22 Penalty Assessment; Transmittal by Court Clerk. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund. The clerk shall transmit the amount collected under paragraph I for the victims' assistance fund **and for the fire standards and training firefighter and emergency medical services training fund** to the state treasurer to deposit in [such] **each** fund.

23 Division of Motor Vehicles; Remission of Penalty Assessments. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" which shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments

collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund *and to the fire standards and training firefighter and emergency medical services training fund* in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

2000-4526s

AMENDED ANALYSIS

This bill:

I. Increases appropriations to the house and senate for consultants' fees.

II. Increases an appropriation to the department of environmental services for part-time-benefited personnel.

III. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

IV. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

V. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

VI. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VII. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VIII. Provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

IX. Establishes the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines.

SENATOR D'ALLESANDRO: I rise to offer a floor amendment. This would establish a 5 percent surcharge on the existing penalty assessment. This 5 percent would be directed to a dedicated fund for training that is related to highway and motor vehicle accidents. I just took this picture from yesterday's newspaper about the accident that occurred on route 93 where two people were killed. You notice that the emergency medical technicians and the fire department were there to extricate people from this accident. The money from this, would be set aside in an account for the purpose of training emergency medical services and fire safety people, to prevent and reduce deaths, accident injuries and property loss, and environmental damage from fire, motor vehicle crashes, hazardous waste material incidents, building collapses, acute medical emergencies, and incidents that result in unintentional injuries to children and adults. There is no effect on the general fund and a special fund would be set up for this purpose. I urge your passage. Thank you.

Floor Amendment adopted.

Senator Below offered a floor amendment.

Sen. Hollingworth, Dist. 23

Sen. Below, Dist. 5

May 18, 2000

2000-4592s

09/10

Floor Amendment to HB 1504

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, and relative to disclosure of information for purposes of the tax policy modeling system.

Amend the bill by replacing section 24 with the following:

24 Legislative Budget Assistant; Disclosure of Confidential Information. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law ***or the development, maintenance, updating and use of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23.*** The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or, ***except in accordance with a written contract between the fiscal committee of the general court and a consultant pursuant to 1999, 338:23,*** to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested

access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

25 Legislative Budget Assistant; Disclosure of Confidential Information. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law ~~[or the development, maintenance, updating and use of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338-23]~~. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or ~~[except in accordance with a written contract between the fiscal committee of the general court and a consultant pursuant to 1999, 338-23]~~ to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

26 Disclosure of Tax Information; Terminal Authorization.

I. Notwithstanding the provisions of RSA 21-J:14, the commissioner of revenue administration may disclose data from department records, files or returns to any consultant under contract with the fiscal committee of the general court pursuant to 1999, 338:23 for the purpose of, and to the extent necessary for, the performance of the contract for the development and implementation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23. The persons to whom such disclosure may be made shall include subcontractors to the consultant specifically approved pursuant to the contract with the fiscal committee. No disclosure shall be made which would violate the provisions of any federal or state compact or agreement for the exchange of information between the department of revenue administration and the Internal Revenue Service of the United States or any other state. Officers, employees, or approved subcontractors of the consultant having in their custody or control any confidential taxpayer information obtained from the department pursuant to this paragraph shall be subject to the provisions of RSA 21-J:14.

II. Any database developed by the consultant or other person which contains confidential information disclosed pursuant to paragraph I shall reside in the custody of the department of revenue administration.

III. The legislative budget assistant and the department of administrative services are authorized hereby to use computer terminals which access any tax modeling software developed by the consultant pursuant to 1999, 338:23, provided that neither the legislative budget assistant or the department of administrative services shall be permitted access to any individual taxpayer records, returns or information that are not sampled and blurred to prevent identification of the taxpayer and then only if such access is necessary to check the results obtained by using the software.

27 Repeal. Section 26 of this act, relative to disclosure of tax information, is repealed.

28 Effective Date.

I. Sections 25 and 27 of this act shall take effect December 31, 2001.

II. The remainder of this act shall take effect upon its passage.

2000-4592s

AMENDED ANALYSIS

This bill:

I. Increases appropriations to the house and senate for consultants' fees.

II. Increases an appropriation to the department of environmental services for part-time-benefitted personnel.

III. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

IV. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

V. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

VI. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VII. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VIII. Provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

IX. Establishes the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines.

X. Permits the department of revenue administration to disclose certain tax records and information to the legislative budget assistant for the purpose of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23.

SENATOR BELOW: I rise to offer a floor amendment. This amendment would need to be renumbered so that it would follow the amendment that we just adopted. It is not intended to affect the rest of the bill, it is intended to add on to the numbering. I would request that the clerk have the numbering changed if this is adopted. What this amendment is in response to the need for some temporary changes to our confidentiality laws so that the tax policy simulation and forecasting model that we authorized last fall, directed the legislature to obtain, can be developed. The intent right now, is not in any way **TAPE CHANGE** and becomes part of the database without any identifying information, names, addresses and the date itself, are removed and the data itself is blurred. But the current confidentiality laws are so stringent that it wouldn't even allow this information that has the identification removed and it is sampled and blurred, to be used in the data base for the legislature so that we can do better tax policy forecasting. So this amendment was developed in consultation with the LBA, the DRA and the Representatives Kurk and Clegg in the House, as sort of what is necessary to make this possible. I can explain it in more detail if you would like, but I will stop there if it is sufficient.

Floor Amendment adopted.

Ordered to third reading.

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. Finance Committee. Vote 7-0. Ought to Pass, Senator Fraser for the committee.

SENATOR FRASER: Madame President, last session, the legislature approved the transfer of Emergency Management Services from the Department of Health and Human Services to the Department of Safety. When this occurred, there was a technical problem in the bill in that it prevented the new director from being paid as an unclassified group N position as the bill states. This bill corrects that technical problem by creating a \$1 class line in the Department of Safety's budget for the director's salary. The Senate Finance Committee was unanimous in recommending this bill ought to pass.

Adopted.

Senator Gordon offered a floor amendment.

Sen. Gordon, Dist. 2

May 18, 2000

2000-4589s

01/09

Floor Amendment to HB 1573-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Exception for Automatic External Defibrillation. Amend RSA 153-A:11, I to read as follows:

I. *Except for automatic external defibrillation pursuant to RSA 151-B:25-28*, a person shall not provide emergency medical services as a paid or volunteer member of a public or private emergency medical services unit in this state, or as a paid or volunteer member of any police or fire department who, as a condition of employment, may be expected to routinely provide emergency medical services in the line of duty, without being licensed by the commissioner.

2000-4589s

AMENDED ANALYSIS

This bill provides that initial funding for the salary of the new unclassified director of emergency management services in the department of safety shall be from funds appropriated for the salary of the former classified position of chief of emergency services of the department of health and human services, and makes an appropriation for this purpose.

This bill also provides an exception from licensure under RSA 153-A for persons performing automatic external defibrillation.

SENATOR GORDON: I rise to offer a floor amendment. Earlier this year, we passed HB 643-FN. House Bill 643-FN had an unintended consequence. It said that emergency medical providers cannot provide services unless they are licensed by the commissioner. The unintended consequence is that...this is being interpreted by the Municipal Association to mean that they cannot use Automatic Defibrillators unless in fact, they are licensed. So you could have emergency medical personnel who are actually dispatched and out there, and not be able to use external defibrillators. What this amendment does is to correct that technical error and say that even though they are not licensed, they can use the defibrillators to restore somebody's heartbeat.

Floor Amendment adopted.

Ordered to third reading.

HB 1589, prohibiting the use of genetic testing for certain insurance policies. Insurance Committee. Vote 7-0. Ought to pass with amendment, Senator Fraser for the committee.

2000-4505s

01/09

Amendment to HB 1589

Amend the title of the bill by replacing it with the following:

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Additions. Amend RSA 141-H:2, II and III to read as follows:

II. Except as required to establish paternity under RSA 522, or as required to test newborns for metabolic disorders under RSA 132:10-a, or as required for purposes of criminal investigations and prosecutions, or as is necessary to the functions of the office of chief medical examiner, no genetic testing shall be done in this state on any individual or

anywhere on any resident of this state based on bodily materials obtained within this state, without the prior written and informed consent of the individual to be tested, *the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person*. The results of any such test shall be provided only to those persons approved in writing by the individual, *the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person*. No person shall refuse to perform genetic testing, or to arrange for genetic testing to be performed, or to do business with an individual, solely because the individual to be tested refuses to consent to providing the test results to some or all persons.

III. Except as provided in paragraph II, no person shall disclose to any other person that an individual has undergone genetic testing, and no person shall disclose the results of such testing to any other person, without the prior written and informed consent of the individual, *the parent, guardian, or custodian if the individual is a minor under the age of 18, or the legal guardian or conservator if the individual is an incompetent person*. *Discussion and disclosure of genetic testing for a patient, requested of a physician by a patient, by appropriate professionals within a physician's medical practice or hospital shall not be a violation of this chapter*.

2 Committee Established. There is established a committee to study and review issues relating to the use of genetic and other health information testing and access to the results of such tests in connection with life, disability income, and long-term care insurance.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study the following matters:

(a) Personal privacy interests relating to genetic and other health information test results.

(b) All issues concerning the definition of genetic testing and the potential consequences of a prohibition or restriction on the use of genetic testing and other health information or access to results of genetic tests and other health information in connection with insurance underwriting.

(c) The options available to the general court to balance the protection of privacy of genetic information and other health information with the potential adverse impact on the availability and affordability of life, disability income, and long-term care insurance.

II. The committee shall seek input from interested parties including, but not limited to, the commissioner of insurance, an individual familiar with Bioethics as it pertains to Genome Research, insurance consumers, insurance companies, and the American Council of Life Insurers.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

6 Report. The committee shall submit an interim report together with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000 and a final report to be presented in the same manner on or before November 1, 2001.

7 Effective Date. This act shall take effect upon its passage.

2000-4505s

AMENDED ANALYSIS

This bill clarifies the issue of informed consent for genetic testing.

This bill also establishes a committee to study the use of genetic and other health information testing and access to the results of such tests with respect to certain insurance policies.

SENATOR FRASER: Madame President, HB 1589 accomplishes two things. First, the bill puts language into the statute, regarding consent and privacy relative to genetic testing for minors and individual with a legal guardian. The bill establishes the right of a parent or guardian to give consent for genetic testing of a minor or an incompetent person. It also requires the parent or guardian of such person to approve of any disclosure of any results. The bill also establishes a two-year study committee to look into issues regarding genetic testing and other medical testing. The issues that the committee would study include privacy, definition of genetic testing. Additionally, the committee would investigate the consequences of restricting use of genetic tests and other health information results for the purpose of insurance underwriting and what the balance should be between the use of genetic tests and privacy issues. The committee recommends this bill as ought to pass as amended.

Amendment adopted.

Senator Fraser offered a floor amendment.

Sen. Klemm, Dist. 22

Sen. Fraser, Dist. 4

Sen. Wheeler, Dist. 21

Sen. Krueger, Dist. 16

2000-4590s

10/04

Floor Amendment to HB 1589

Amend the title of the bill by replacing it with the following:

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.

Amend the bill by replacing section 7 with the following:

7 New Section; Insurance Referrals. Amend RSA 402 by inserting after section 16-a the following new section:

402:16-b Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

8 New Section; Insurance Referrals. Amend RSA 405 by inserting after section 17-b the following new section:

405:17-c Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

9 Purpose; Reference to "Place With a Population of 5,000" Removed. Amend RSA 406-C:1 to read as follows:

406-C:1 Purpose. The purpose of this chapter is to **authorize and** regulate the solicitation for purchase and the sale in this state of insurance by financial institutions ~~[in places with a population of 5,000 or fewer people and to direct and authorize the insurance commissioner to adopt such rules as may be necessary to protect the interests of insurance policyholders in this state]~~ and to maintain parity with respect to the insurance powers of state and federally chartered financial institutions.

10 Definition; Financial Institutions. RSA 406-C:2, IV is repealed and reenacted to read as follows:

IV. "Financial institution" means a bank, savings bank, savings and loan association, trust company, or any depository institution as defined by the Federal Deposit Insurance Act, as amended, 12 U.S.C. section 1813(c)(1), which is authorized to take deposits and make loans from a place of business in the state. For the purposes of this chapter, the term financial institution shall also include any non-depository affiliate or subsidiary of a financial institution but only in the instances when the non-depository affiliate or subsidiary is soliciting the sale or purchase of insurance recommended or sponsored by, on the premises of, or in connection with a product offering of, the depository financial institution. Activities of employees and agents of a financial institution shall be deemed to the activities of the financial institution. The term does not include an insurance company subject to regulation under title XXXVII.

11 Definition; Nonpublic Customer Information. Amend RSA 406-C:2, V to read as follows:

V. "Nonpublic customer information" means information regarding a person that has been derived from a record of a financial institution concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, and insurance history of an individual~~[- and such other information as established by rules adopted by the commissioner]~~. "Nonpublic customer information" does not include customer names, addresses, and telephone numbers.

12 Separation of Activities. Amend RSA 406-C:7 to read as follows:

406-C:7 Separation of Activities.

I. Solicitation for the purchase or sale of insurance by the financial institution shall, to avoid customer confusion and to the extent practicable, be conducted in a physical location distinct from the area where retail deposits or credit transactions are being conducted ~~[in accordance with rules adopted by the commissioner]~~.

II. Solicitation for the purchase or sale of insurance by a licensed employee who exercises authority over credit transactions shall be conducted in a manner which addresses the potential for customer confusion and coercion~~[- consistent with rules adopted by the commissioner]~~.

III. Signage, informational materials, and sales literature concerning the availability of insurance products through the financial institution shall be utilized and displayed in ~~[accordance with rules adopted by the commissioner]~~ **the manner required by this chapter.**

IV. If the product name under which the insurance contract is marketed includes the name of a financial institution, then the marketing material must~~[-in accordance with rules adopted by the commissioner,]~~ prominently identify the insurance company which issues and underwrites the insurance contract.

13 Disclosures. Amend the introductory paragraph of RSA 406-C:8, I to read as follows:

I. To avoid customer confusion and in addition to any other requisite disclosures, all advertising, promotional material, and solicitation, including telemarketing contacts **in the case of life insurance and annuities,** shall~~[-as required under rules, bulletins, or interpretive rulings adopted or promulgated by the commissioner,]~~ include a prominent disclosure that substantively states that a purchase of insurance:

14 Insurance Referrals. RSA 406-C:12, I is repealed and reenacted to read as follows:

I. An employee of a financial institution who is not licensed to sell insurance may refer a party to a person who is licensed to sell insurance, if the employee making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

15 Prohibited Practices. Amend RSA 406-C:12, III to read as follows:

III. An insurance product shall not be offered in a package with non-insurance products in ~~[violation of rules adopted by the commissioner to prohibit]~~ **a manner that constitutes** unlawful tying activities, rebating, and unfair competition with respect to insurance sales.

16 Service Corporations; "Place of 5,000" Removed. Amend RSA 384:16-b, III to read as follows:

III. ~~[Provided further that any contrary provision of law notwithstanding, the provisions of paragraph II apply only to a bank or banking association and its subsidiary and do not apply to an affiliate thereof, and]~~ The provisions of this section shall not be construed to prevent such bank, banking association, or subsidiary from conducting insurance activities pursuant to RSA 406-C and rules adopted under RSA 406-C, as permitted in RSA 394-A:9~~[-if such financial institution or its subsidiary is located in a place of 5,000. A place of 5,000 means a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census].~~ An affiliate of any bank or banking association shall be bound by the provisions of RSA 406-C, with respect to sales of insurance in this state which are recommended or sponsored by a **depository** financial institution or sold on the premises of a **depository** financial institution.

17 Insurance; "Place of 5,000" Removed. Amend RSA 394-A:9, I to read as follows:

I. ~~[(a) The insurance activity may be conducted only by the financial institution, or a subsidiary of the financial institution that is located in a place of 5,000. A place of 5,000 shall mean a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census; and~~

~~(b)]~~ The conduct of the insurance activity shall comply with the provisions of RSA 406-C and any rules adopted thereunder, any applicable state insurance licensing laws and rules, and all applicable federal and state consumer protection laws, including the federal anti-tying provisions of 12 U.S.C. section 1972.

18 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title *or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance* and such other rules and regulations as are reasonably necessary to implement ~~the~~ *such* provisions ~~[of this title]~~.

19 Repeal. RSA 406-C:2, VI, relative to the definition of "place of 5,000," is repealed.

20 Effective Date.

I. Sections 1-6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4590s

AMENDED ANALYSIS

This bill clarifies the issue of informed consent for genetic testing. This bill establishes a committee to study the use of genetic and other health information testing and access to the results of such tests with respect to certain insurance policies.

This bill also makes changes to the laws regulating sale of insurance by financial institutions, including removing the "place of 5,000" restriction on insurance sales, changing provisions regarding the separation of banking and insurance activities, and repealing certain rulemaking provisions.

SENATOR FRASER: Madame President, this is the same that we suggested would be put on HB 1240. We urge the adoption of this amendment.

Floor Amendment adopted.

Ordered to third reading.

HB 1592, relative to the display of the United States flag. Internal Affairs Committee. Vote 4-0. Ought to Pass, Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: This bill clarifies in statute, that the U.S. flag shall be displayed in state facilities in accordance to federal laws. The committee recommends this bill as ought to pass.

Adopted.

Ordered to third reading.

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. Internal Affairs Committee. Vote 4-0. Ought to Pass, Senator Fraser for the committee.

SENATOR FRASER: Madame President, HJR 26 urges Congress to pass legislation that would provide incentives for the establishment of services to access local broadcast television in unserved and underserved rural areas. The committee recommends this bill ought to pass.

Adopted.

Ordered to third reading.

CACR 2, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes. Judiciary Committee. Vote 6-2. Inexpedient to Legislate, Senator Trombly for the committee.

SENATOR TROMBLY: This bill was recommended ought to pass because there are certain minds of the members of the committee which lead to that conclusion. Some committee members felt that as a result of the process that we are going through with the Judiciary at this point, if we let that process play out, certain reforms, relative to how the Judiciary conducts its affairs, may be suggested as an end point rather than at a beginning point, and that that process was more acceptable than not. There are others that felt the Judiciary should have the authority to promulgate rules relative to their procedures, such as where someone stands in a courtroom, or how many pitchers of water you are going to have on the defense table. But, rules regarding confidentiality, should be opened up to the public and have scrutiny from the legislative branch. There was another philosophy that said that this simply wasn't needed, that the Judiciary is the third branch of the government co-equal and they should be allowed to do what they want without our oversight. The committee, therefore, voted this CACR, which has been quite controversial, inexpedient to legislate, and therefore, Madame President, that is the recommendation that you have today.

Committee report of inexpedient to legislate is adopted.

HB 53, relative to qualifications and appointments of marital masters. Judiciary Committee. Vote 7-1. Ought to pass with amendment, Senator Pignatelli for the committee.

2000-4561s

09/04

Amendment to HB 53

Amend the title of the bill by replacing it with the following:

AN ACT relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

Amend the bill by replacing all after the enacting clause with the following:

1 Intent. It is the intent of the general court that a family court be implemented statewide in a manner which most expeditiously achieves the goal of providing enhanced services to parties involved in cases relating to divorce, custody, children, domestic violence, and other family law matters. The general court finds that this area of law requires the skills and attention of experienced and committed individuals who are dedicated to serving families and to the appropriate, timely resolution of family law cases in a manner which best services the public interest. The goals of the family division are the respectful treatment of all citizens by justices, marital masters and other family division staff, the prompt and fair resolution of family issues by justices and marital masters specially selected and trained to deal effectively with such issues, the use of alternative dispute resolution to reduce the adversarial nature of proceedings involving families, and the assignment of all family matters of a single family to one family division justice or marital master located in a family division that is geographically accessible to the family.

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 31 the following new subdivision:

FAMILY DIVISION

490:32 Family Division.

I. There is hereby established a family division which shall be a permanent component of the judicial branch under the administrative authority of the supreme court in the counties of Rockingham and Grafton

on the effective date of this subdivision. All matters under the jurisdiction of the family division shall be transferred from other state courts no later than 6 months after the effective date of this section.

II. The supreme court shall expand the family division to 2 counties of the supreme court's choice during the biennium beginning July 1, 2001.

III. In establishing the family division, the supreme court shall:

(a) Designate the courthouses within each county which will house the family division.

(b) Select and designate judges, marital masters, and other court personnel from the district, probate and superior courts to serve in the family division, based on their expertise in, and commitment to, family law matters;

(c) Designate an administrative judge for the family division by selecting, from among the district and probate court judges serving in the family division, a jurist who has demonstrated an interest in legal issues affecting the family and a commitment to the values, objectives, and ideals of the family division.

490:33 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the family division is established, jurisdiction over the following matters shall be exclusively exercised through the family division as jurisdiction was previously exercised in the superior, district and municipal and probate courts:

I. Petitions and libels of divorce, and petitions of nullity of marriage, alimony, custody of children, support, and to establish paternity.

II. Actions for support or custody for children of unwed parties.

III. Actions under RSA 169-B, relating to delinquent children.

IV. Actions under RSA 169-C, relating to abused and neglected children.

V. Actions under RSA 169-D, relating to children in need of services.

VI. Actions under RSA 173-B, relating to protection of persons from domestic violence except for concurrent jurisdiction with the superior and district and municipal courts to enter temporary protective orders under RSA 173-B:4.

VII. The adoption of children.

VIII. The guardianship of the person of minors.

IX. The termination of parental rights.

X. The change of names of persons who apply therefor in matters relating to jurisdiction in paragraphs I-IX.

490:34 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in which the family division is established, the family division shall have the powers of a court of equity in cases where subject matter jurisdiction lies with the family division. Suits in equity where subject matter jurisdiction lies with the family division including, but not limited to, petitions and libels of divorce, and petition of nullity of marriage, alimony, custody of children, support, and other similar proceedings may be heard upon oral testimony or depositions, or both, or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear. Such suits may be heard by any justice or marital master of the family division at any time, but nothing contained in this section shall be construed as limiting the power of the family division to have issues of fact framed and tried by a jury, unless federal law preempts a jury trial, according to the rules in equity, or the course of such proceedings at common law.

490:35 Judges and Marital Masters. With the understanding of the special nature of matters within the family division, judges and marital masters selected to serve shall possess the following qualifications:

- I. Willingness to serve in the family division;
- II. Professional experience in family law matters;
- III. Legal and personal qualities including, but not limited to:

(a) Knowledge of family matters, including related matters such as tax and pension law;

(b) Personal maturity so as to understand and make decisions on matters before the court; and

(c) Personal qualities of patience and understanding of the difficult personal matters which are the subject of the division and a willingness to deal with complex family matters in a non-adversarial manner.

3 Committee Established. There is established a committee to study procedures for implementation of a statewide family division.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house, 2 of whom shall be members of either the judiciary committee or the children and family law committee and one of whom shall be a member of the finance committee, appointed by the speaker of the house.

(b) Three members of the senate, who shall be members of the judiciary committee, appointed by the senate president.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study and recommend the best method of establishing procedures for implementing a statewide family division.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before January 1, 2001.

8 Transfer of Funds and Personnel. Funds within the judicial branch operating budget and court personnel shall be transferred to the family division from the superior court and other courts as necessary.

9 Jurisdiction; Family Division in Rockingham County. Amend 1995, 152:4, IV as amended by 1996, 265:14 to read as follows:

IV. The courthouses in Rockingham county which will house the program shall be the Rockingham county courthouse, the Portsmouth district court, the Salem district court, and the Auburn district court. In the case of the Auburn district court, the supreme court shall have discretion to designate such other facility within the Auburn or Derry district as it deems appropriate.

(a) Matters arising in municipalities located within the Portsmouth district and the Hampton district shall be heard in the Portsmouth district court *or such other location within the Portsmouth or Hampton district as the supreme court may designate.*

(b) Matters arising in municipalities located within the Salem district shall be heard in the Salem district court.

(c) Matters arising in municipalities located within the Auburn district, *except for the towns of Deerfield, Northwood, and Nottingham,*

and the Derry district shall be heard in the Auburn district court or such other location within the Auburn or Derry district as the supreme court may designate.

(d) Matters arising in municipalities located within the Exeter district and Plaistow district, *as well as the towns of Deerfield, Northwood, and Nottingham*, shall be heard in the Rockingham county courthouse.

10 Effective Date.

I. Sections 3-7 of this act shall take effect 60 days after its passage.

II. Section 9 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 2000.

2000-4561s

AMENDED ANALYSIS

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a state-wide family division.

The bill also provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

SENATOR PIGNATELLI: House Bill 53 provides that marital masters would have to be appointed by the governor and confirmed by the executive council. The language of HB 53 has been amended in the House onto SB 468, the legislation expanding the family division of the court, therefore, as the contents of HB 53 do not support the Senate position, the committee amendment replaces the language of HB 53 with the Senate's version of SB 468. The Judiciary Committee recommends that HB 53 be ought to pass as amended. If this bill passes, as amended, I am going to request that someone table this bill. I have been given assurances that SB 468 will change when it goes to the floor today and if that happens, then we can let HB 53 remain on the table. If not, I would like to take it off of the table and send it over to the House.

Amendment adopted.

Senator Squires moved to have **HB 53**, relative to qualifications and appointments of marital masters, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 53, relative to qualifications and appointments of marital masters.

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. Judiciary Committee. Vote 7-1. Ought to pass with amendment, Senator Gordon for the committee.

2000-4559s

08/09

Amendment to HB 297-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the state commission for human rights and claims before it.

Amend the bill by replacing all after the enacting clause with the following:

1 State Commission for Human Rights; Quorum. Amend RSA 354-A:3, II to read as follows:

II. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded. ~~Three~~ **Four** members of the commission shall constitute a quorum for the purpose of conducting the commission's business, *with the exception of hearings conducted pursuant to RSA 354-A:21, II(b).* A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. Each member of the commission shall be entitled to ~~his~~ expenses actually and necessarily incurred by ~~him~~ **the member** in the performance of ~~his~~ **the member's** duties.

2 New Paragraph; Powers and Duties of the Commission; Fees for Services and Programs. Amend RSA 354-A:5 by inserting after paragraph XIV the following new paragraph:

XV. To charge reasonable fees for educational services, programs, publications, and other written materials.

3 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, II(a) to read as follows:

(a) After the filing of any complaint, one of the commissioners designated by the chair shall make, with the assistance of the commission's staff, prompt investigation in connection therewith; during the course of the investigation, the commission shall encourage the parties to resolve their differences through settlement negotiations; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, the commissioner shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of. *When the investigating commissioner finds no probable cause to credit the allegations in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court. A finding of probable cause by the investigating commissioner shall likewise be subject to a right of appeal to superior court. In either case, the appealing party shall have 60 days from receipt of the probable cause or no probable cause finding to appeal the finding. To prevail on appeal, the moving party shall establish that the commission decision is unlawful or unreasonable by a clear preponderance of the evidence. The findings of the investigating commissioner upon questions of fact shall be upheld as long as the record contains credible evidence to support them. An unsworn investigative report compiled by a commissioner shall not be received in evidence.*

4 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, II(c) to read as follows:

(c) The case in support of the complaint ~~[shall]~~ **may** be presented before the commission by ~~[one of its attorneys or agents,]~~ **the complainant or complainant's representative** and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the subsequent deliberation of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent shall file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. ~~[In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel.]~~ The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript.

5 Commission for Human Rights; Procedure on Complaints. Amend RSA 354-A:21, IV to read as follows:

IV. In administering this section, the commission shall be exempt from the provisions of RSA 541-A:29, II, but shall close each case or commence adjudicative proceedings on such case under RSA ~~[354-A:22]~~ **354-A:21** within 24 months after the filing date of the complaint.

6 New Section; Claims of Unlawful Discriminatory Practices; Choice of Remedies. Amend RSA 354-A by inserting after section 21 the following new section:

354-A:21-a Choice of Remedies. Any party alleging to be aggrieved by or alleged to have committed any practice made unlawful under this chapter may, upon receipt of a finding of probable cause or no probable cause by the investigating commissioner, appeal the finding to the superior court. Upon filing of an appeal, such party may remove his or her claim from the jurisdiction of the commission and bring an action in the superior court within 60 days of receipt of the finding of probable cause or no probable cause. If the superior court upholds a no probable cause finding, legal remedies of the petitioner are exhausted.

7 Commission for Human Rights; Judicial Review and Enforcement. Amend RSA 354-A:22, I and II to read as follows:

I. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review of the order, and the commission **or any interested person** may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the superior court of the state within any county in which the unlawful practice which is the subject of the commission's order occurs or in which any person required in the order to cease and desist from an unlawful practice or to take other affirmative action resides or transacts business.

II. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission **in the case of a petition for judicial review**, and issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter

upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission, with full power to issue injunctions against any respondent and to punish for contempt of court. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

8 Effective Date. This act shall take effect January 1, 2001.

2000-4559s

AMENDED ANALYSIS

This bill:

I. Provides a right of appeal to superior court on a claim of a discriminatory practice after a finding of probable cause or no probable cause by a human rights commissioner.

II. Allows a party, upon filing of an appeal, to remove his or her claim from the jurisdiction of the commission and bring an action in the superior court.

III. Allows the commission to charge fees for educational services, programs, publications, and other materials.

IV. Changes the quorum to 4 members for purposes of conducting the commission's business.

SENATOR GORDON: This bill has to do with the human rights commission. We have had a number of bills in regard to the Human Rights Commission this session, but in particular, what this bill does, is it indicates that when the Human Rights Commission...it continues that filings will be made with the Human Rights Commission, that when in fact there are no findings of probable cause at the Human Rights Commission, that the complainant can appeal to the Superior Court. If there is a finding of probable cause, then either party can appeal to the Superior Court. It also has a further provision that no unsworn investigative report compiled by the commissioner shall be received into evidence. We believe that finally we were able to make some sense out of this law, and hopefully, it will move forward.

Amendment adopted.

Ordered to third reading.

HB 628, relative to the relocation of the principal residence of a child. Judiciary Committee. Vote 8-0. Ought to pass with amendment, Senator Trombly for the committee.

2000-4565s

04/10

Amendment to HB 628

Amend RSA 458:17, VI-a, (c) as inserted by section 1 of the bill by replacing it with the following:

(c) The court may approve the relocation of the principal residence of a minor child if the court determines that such relocation would be in the best interest of such minor child or children. In making its determination, the court shall consider the following factors:

(1) The age of each child involved.

(2) The developmental maturity and needs of each child.

(3) The possible impact that relocation may have on the physical, educational, emotional, and developmental well-being of the child or children, taking into consideration the nature of the relationship of the child to each parent and any special needs that the child may have.

(4) Actual visitation and custodial schedules.

(5) Founded cases of child abuse or domestic violence as defined in RSA 169-C or RSA 173-C.

(6) The child's contact with the community.

SENATOR TROMBLY: This bill addresses a very important problem in family court. That is the situation where if one parent has custody of a child and they decide to relocate, in particular if they relocate out-of-state. Currently, there are no standards for the courts to use in determining whether or not, if the noncustodial parent objects to the move. This bill, directs the court to take into consideration things such as the child's contact with the community, prior founded, domestic violence or child abuse cases, the educational, and the best interest of the children. Madame President, we ask that this legislation pass. I do have a floor amendment, I believe, after we take this vote.

Amendment adopted.

Senator Trombly offered a floor amendment.

2000-4573s

04/01

Floor Amendment to HB 628

Amend RSA 458:17, VI-a as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Any agreement or final order in any matter involving the custody or visitation of a minor child which prevents a parent from relocating shall be void and unenforceable as to that provision.

SENATOR TROMBLY: What the amendment does, Madame President and members of the Senate, is this: Currently, when parties enter into an agreement, often times one party will ask for a clause that says that the other party shall not move. Now we just passed a bill that said that the court is going to allow those moves and apply the following criteria as to whether or not the child will follow the parent. What happens now is, that often times in terms of negotiating a custodial arrangement or a visitation situation, one child will insist on these move provisions, and then what happens is, the custodial parent finds that they have to move. They notify the other parent, the other parent objects, then they go to court. The objecting party points to the clause that says my spouse, former spouse, agreed not to move the child and force it. The net result is, in many circumstances, the court says that they are not going to enforce that provision to which you agreed, which causes a great deal of frustration, aggravation, consternation, and simply, what is the court doing to me on the part of the objecting party? I think that it is very important that we simply eliminate that. Because if we are going to allow these moves over those clauses, and the court is recognized, and we just recognized, that many times those moves need to take place. Simply say to the parties that those provisions will not be enforced by the court. So that the marital masters and the judges, when they see those provisions, will be able to say to the parties, "we can't enforce this provision." That is what this amendment does. So that we won't have to deal with the

aggravation and that frustration on the part of the noncustodial party because they will know up front that there may be a circumstance when their former spouse needs to move, and the court will apply the provisions that we just opposed in law.

SENATOR DISNARD: Senator Trombly, if those arrangements are already made regarding this, are they grandfathered?

SENATOR TROMBLY: The effective part of this clause is on the effective date of the bill, Senator Disnard. So what would happen is those clauses that currently exist, people would have to continue to go through the old process.

SENATOR DISNARD: Thank you.

SENATOR TROMBLY: Which is the frustrating part, unfortunately.

Floor Amendment adopted.

Senator Squires offered a floor amendment.

Sen. Squires, Dist. 12

Sen. Gordon, Dist. 2

2000-4572s

04/10

Floor Amendment to HB 628

Amend the title of the bill by replacing it with the following:

AN ACT establishing a regional youth center pilot program in Hillsborough county and in a location situated within the northern 4 counties (hereinafter referred to as the "pilot locations"), which may include the construction of new regional youth center facilities in Hillsborough county, and in a location chosen through a public selection process which is centrally situated, based upon geography and population, so as to be able to serve Coos, Grafton, Carroll, and Belknap counties.

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Youth Center Pilot Program Established; Purpose.

I. A regional youth center pilot program for the placement of certain juveniles is hereby established in a location situated within Hillsborough county and in a location situated within the northern 4 counties (hereinafter referred to as the "pilot locations"), which may include the construction of new regional youth center facilities in Hillsborough county, and in a location chosen through a public selection process which is centrally situated, based upon geography and population, so as to be able to serve Coos, Grafton, Carroll, and Belknap counties, each with an initial capacity of 25 residential beds and the capacity to increase to not more than 50 beds.

II. The intent of the legislature is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. Local providers, members of the public, the counties, and the state shall work together to provide an appropriate response to those juveniles determined to need a variety of programs and services that can be provided in a staff-secure setting. No similar facility currently exists within this state to provide short-term comprehensive community-based services for such juveniles, and the regional youth center pilot program is intended to be a model for other community-oriented juvenile facilities throughout this state in the future.

III. The purpose of the pilot program is to provide community-based services, including short-term residential services, for juveniles. The goal of this act is to encourage, in the context of the community, the wholesome moral, mental, emotional, and physical development of juveniles,

including but not limited to those between the ages of 12 and 16, who are delinquent, in need of services, truant, runaway, or otherwise wayward, in order to assist the child in becoming a responsible and productive member of society. In order to accomplish this goal, community service providers in the two identified areas have agreed to provide education, treatment, care, guidance, and counseling for juveniles at a regional youth center.

2 Regional Youth Center Board; Membership.

I. A regional youth center board shall be established for the purpose of administering each of the regional youth center pilot locations. The members of the board shall be selected by a working group of local agencies currently meeting on a regular basis on issues or similar issues relating to this pilot program. For the Hillsborough county location, the board shall consist of residents of Hillsborough county, including public members. For the pilot location in the 4 northern counties, the board shall consist of residents of communities within those counties, including public members. The commissioners of the departments of youth development services, and health and human services, or their designees, shall also be members of the board. Any decision regarding the site of each pilot location shall only be made with input from neighbors of the proposed facility.

II. Board members shall be appointed and hold their initial meeting within 60 days of the effective date of this paragraph. At this initial meeting officers, including a chairperson and secretary, shall be elected and rules of procedure shall be adopted. Members of the board shall serve without compensation.

3 Powers and Duties. A regional youth center board shall have the following powers and duties:

I. To establish criteria for the admission of juveniles into the pilot program and to decline admission to any juvenile who does not meet those criteria. The board may, pursuant to procedures established by the board, remove any juvenile from a pilot location whose conduct interferes with the objectives of the program or whose behavior negatively affects another participant in the pilot program.

II. With the exception of bed supervision, to contract for the provision of ordinary and necessary services, including but not limited to residential, educational, security, healthcare services and community-based treatment, care, and counseling services for both juveniles attending the pilot program and their families.

III. To pursue additional funding for the pilot program, including but not limited to, grants or other moneys from federal, state, or private foundations or sources, and expend such grants, moneys, or other appropriations for the purposes of said pilot program.

IV. To establish an outcome-based evaluation plan for the program which shall provide for the collection of appropriate data and for the determination annually of the success of the regional youth center programming and services based on specific measures to be determined by the board.

V. To provide residential services to preadjudicated juveniles, adjudicated juvenile delinquents and children in need of services, and juveniles taken into temporary custody pursuant to RSA 169-B:9, II and RSA 169-D:8, II.

VI. To provide non-residential services to court-ordered and non-court-ordered juveniles on such terms and conditions as provided for in the criteria for admission established by the board.

4 Bed Supervision. The department of youth development services shall provide bed supervision for any regional youth center facility established in this act. Bed supervision shall consist of monitoring and supervising juveniles receiving residential services during the night time hours as such hours are established by the regional youth center board. The board shall determine the need for and extent of daytime supervision of juveniles in residence who are unable for any reason, including but not limited to illness, attend or participate in daytime programming. The state shall be responsible only for expenses related to bed supervision of juveniles in residence at a regional youth center .

5 Rulemaking. The commissioner of the department of youth development services shall adopt rules, pursuant to RSA 541-A, relative to the bed supervision of juveniles placed in a pilot location pursuant to the provisions of RSA 169-B and 169-D.

6 District Court; Jurisdiction.

I. Notwithstanding any law to the contrary, the pilot program and services established in this act shall be available for the purposes of actions and proceedings pursuant to RSA 169-B and 169-D in the district courts situated in the pilot locations.

II. Notwithstanding any provision of RSA 169-B to the contrary, any district court located in Hillsborough county shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing in Hillsborough county, and the district courts located in Coos, Grafton, Carroll, and Belknap counties shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing within those 4 counties, for a period to be determined by the court which shall not exceed 90 days.

III. Notwithstanding any provision of RSA 169-B or 169-D to the contrary, the district courts in the pilot locations shall have the authority, prior to adjudication and disposition, to order residential placement of a juvenile in the facility to the extent necessary to provide immediate supervision and protect the safety or welfare of the juvenile or the person or property of another. The district courts in the pilot locations shall comply with the provisions of RSA 169-B and RSA 169-D for the adjudication and disposition of any juvenile placed in the pilot program prior to such adjudication or disposition.

IV. The authority of the district courts in the pilot locations to place a juvenile in the pilot program is subject to the criteria established by a regional youth center board for the admission of juveniles to the pilot program and the authority of the board to decline to accept or to remove any juvenile who does not meet those criteria.

7 Regional Youth Center Pilot Program; Certification; Termination.

I. Regional youth center facilities shall be certified for the placement of minors pursuant to RSA 170-G:4, XVIII.

II. The regional youth center program shall terminate on July 1, 2003, unless otherwise authorized by a subsequent act of the legislature.

8 Department of Youth Development Services and Department of Health and Human Services; Biennial Budgets. The department of youth development services shall submit a budget for the biennium ending June 30, 2003 which shall include financial responsibility for bed supervision for regional youth center pilot facilities established in this act. The department of health and human services shall include in its budget for the biennium ending June 30, 2003 the costs for the services and programs provided at regional youth center pilot facilities for which the department is financially responsible.

9 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

10 Contingency. The provisions of this act establishing the pilot program shall only take effect upon the availability, from any source, of funds sufficient for the construction of new facilities or renovation of existing facilities, which shall fulfill the needs of the pilot program. If such funds are not available, the provisions of this act shall not take effect.

11 Effective Date.

I. Sections 1-9 of this act shall take effect as provided in section 10.

II. The remainder of this act shall take effect upon passage.

2000-4572s

AMENDED ANALYSIS

This bill establishes a regional youth center pilot program with pilot locations in Hillsborough county and in a centrally situated location within Coos, Grafton, Carroll, and Belknap counties, for the placement of certain juvenile offenders where the programs and services ordered by the court are provided by the local community.

SENATOR SQUIRES: For the last two years, a group of citizens in Nashua have labored to develop a program to address what we feel is a significant problem. We in this case, being the city and citizens, law enforcement, and Judiciary. The problem is what do you do with a child who is apprehended, not for criminal behavior, but for truancy, for something like shoplifting, for vagrancy and so on and so forth. The plain fact of the matter is, it is the policy of the city and the policy of the state to do very little, because there is nothing that you can do. There is no place, a safe place, for the law enforcement community, for the social workers, for the mental health workers, to send a child under those circumstances. So what happens? They go back to the environment from which they came. There is an example, I believe, in the city of Manchester, where a facility exists to deal with issues like that. The board of aldermen in Nashua approved a proposal to examine the feasibility of establishing a safe haven, as it were. It is not a jail, it is not a YDC, it is a haven, for a brief period of time, so children can go and be protected. We no longer have Brookside. We no longer have any significant resource for children with mental health difficulties, except the state hospital. What this bill does is to make it possible if funding were to be available, for someplace in Hillsborough County, which frankly, would be Nashua, because that is the only significant population center in Hillsborough county, as well as, four counties to the north, to try a pilot program, if it can be sited and if it can garner local support. There is an area in the city of Nashua that could be made available. It is an old industrial site. The bill thus allows the city to do its best to meet this problem. The bill came within one vote in the House, with sixty something members absent, it went down. It had a full hearing in the House. This is an effort to bring it, once again to you, and ask that we allow the city to undertake this program which I assure you, in that metropolitan area, is desperately needed. Thank you.

SENATOR J. KING: Senator Squires, is there money available for this now? Is this the \$6 million that has been hanging around for about two years now, that it is going to be used for this project?

SENATOR SQUIRES: Only if the project met the guidelines of the funds. The project would have to apply for those funds, and it might be in the form of a grant and it might not.

SENATOR GORDON: I appear as a co-sponsor of the amendment only because the issue here has to do with...frankly I speak as a North Country representative more than anything else. That is that we have a tendency to send a youth out of the North Country, and the North Country as you know, is a little bit different. We send them to Manchester to the YDC, and we find that they come back to the North Country well educated, and not necessarily educated in the way that we might want them to be educated. Having a separate facility if such a facility were available in the North Country, we think would be advantageous. It certainly would be more efficient in terms of its location, but we think that in terms of its identity with the North Country would be welcome as well. I would just arise in support of the amendment and urge its passage.

SENATOR D'ALLESANDRO: Senator Squires, line 11 and 12 talk about the construction of a new regional youth center facility in Hillsborough county and in a location chosen through a public selection process. Why didn't this go through the Capital Budget? Isn't that a capital expenditure, the creation of new facilities, public facilities?

SENATOR SQUIRES: When we got to the point, it may well be, but at the moment, what the bill is trying to do is simply have legislative authorization for those areas involved, to proceed with some kind of plan. There is no plan yet on the drawing board and no appropriation in this bill.

SENATOR F. KING: Senator Squires, so this would be a proposal for two facilities, one in the North Country and one in the Nashua area?

SENATOR SQUIRES: If that were the desire of the two areas.

SENATOR F. KING: Where would these kids go to school?

SENATOR SQUIRES: Public school?

SENATOR F. KING: I am asking you, I don't know.

SENATOR SQUIRES: Oh...

SENATOR F. KING: In YDC they have their own education system and they...I suppose that in the process of sorting this out, that will be determined, but certainly, the bill...I supported this type of a short-term holding facility where kids could be held for three or four days, but if you get into a long term facility and have to provide education costs for 25 kids, guess what the cost per day is going to be?

SENATOR SQUIRES: No, this is short-term. This is not a mini YDC.

SENATOR F. KING: How long?

SENATOR SQUIRES: I think that it is 14-21 days. It may be slightly different. No, no. There is no attempt here for a long-term holding facility.

SENATOR F. KING: Okay. I can deal with that. Thank you.

SENATOR KRUEGER: Senator Squires, was there a public hearing on this in the Senate at all?

SENATOR SQUIRES: No. There was an extensive public hearing in the House and it came yesterday to the Judiciary Committee, I think that it was yesterday, with a considerable background laid out by the deputy Speaker. But there was not, this session, a public hearing in the Senate.

SENATOR KRUEGER: So, Senator Squires, it had passed in the House?

SENATOR SQUIRES: It went down by one vote on a day when there was something like 60 people absent.

SENATOR KRUEGER: I just needed some history, thank you.

SENATOR D'ALLESANDRO: Senator Squires, just to follow up on Senator King's question. It talks about services ordered by the court are provided by the local community. Does that mean the local community in which they will be residing or does that mean the local community from which they were sent? Who is going to pay the bill?

SENATOR SQUIRES: I don't think that is yet clear, Senator D'Allesandro. It is a good question. A child, let's say, from Milford, coming to Nashua or wherever the facility is located. I don't know that.

SENATOR JOHNSON: I just want to go on record saying that the law enforcement in the North Country has been concerned about this issue for some time and I am pleased that Senator Gordon has included Coos, Grafton, Carroll and Belknap counties in the amendment, because I think that the concern is not only been for the education of the children, but the financial impact. Thank you very much.

SENATOR DISNARD: Senator Squires, I am not speaking against your bill, but I noticed on the bottom of the first page, in order to accomplish the goal, community service providers in two identified areas have already agreed to provide education, treatment, care, guidance and counseling. Are you aware of those communities, the cost that they are going to have to agree to pay them?

SENATOR SQUIRES: Yes, I had no doubt. But I would like to point out that on page three, that what we were talking about is on line 22, the immediate supervision to protect the safety and welfare of the juvenile or the personal property of another, and then it is the responsibility of the district courts in the statutes as noted. There is no question there is a cost here. There is no question that that issue will have to be addressed, but that is not what this bill asks of you. The bill simply says in these two locations, four counties in the north and one county in the south, if the citizens wish to proceed, and if they can get agreement among the various constituencies, may they then develop a program to apply for these funds?

SENATOR J. KING: Senator Squires, does this mean that if this passes, that the capital budget will vote on any money that is spent to go to this project?

SENATOR SQUIRES: No.

SENATOR J. KING: No.

SENATOR SQUIRES: There is no fiscal note on this bill.

SENATOR J. KING: I am saying that if they agree with the bill, and they have to have money to do it, where are they going to get the money from, and if they need money, are they going to come to our committee?

SENATOR SQUIRES: Correct. If this becomes a capital project, it has to wind its way through the capital budget and compete with every other project.

SENATOR J. KING: It doesn't say that though.

SENATOR SQUIRES: There is no appropriation so you are protected.

TAPE CHANGE

A division vote is requested.

Yeas: 13 - Nays: 10

Floor Amendment adopted.

Senator Fraser moved to have **HB 628**, relative to the relocation of the principal residence of a child, laid on the table.

Adopted.

LAID ON THE TABLE

HB 628, relative to the relocation of the principal residence of a child.

Out of Recess.

HB 1239, relative to durable powers of attorney. Judiciary Committee. Vote 8-0. Interim Study, Senator Gordon for the committee.

SENATOR GORDON: House Bill 1239 would have to do with durable power of attorney. The purpose behind the durable power of attorney is to appoint an agent to act on your behalf, generally in financial matters. Generally, they are done privately with a specific purpose of avoiding government intervention. This particular bill would require that durable powers of attorney reflect certain language. Also there has been a request to amend this bill in order to provide the power for the government to intervene with durable powers of attorney become involved in their implementation. Because these important issues seem to be in conflict, the committee has recommended that the bill be sent to interim study and brought back in the next session.

Committee report of interim study is adopted.

HB 1611, recodifying the state's DWI laws. Judiciary Committee. Vote 7-0. Ought to pass with amendment, Senator Pignatelli for the committee.

2000-4560s

05/09

Amendment to HB 1611

Amend the title of the bill by replacing it with the following:

AN ACT creating a house committee to study recodification of the state's DWI laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a house of representatives committee to study the feasibility of recodifying the state's DWI laws.

2 Membership and Compensation.

I. The membership of the committee shall consist of all members of the house criminal justice and public safety committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall review existing laws throughout the statutes relative to operating motor vehicles, boats and OHRVs while alcohol or drug impaired, and study the feasibility of creating a chapter within Title 21 dealing exclusively with such offenses.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the chairperson of the house criminal justice and public safety committee. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

2000-4560s

AMENDED ANALYSIS

This bill establishes a committee to review existing laws throughout the statutes relative to operating motor vehicles, boats and OHRVs while alcohol or drug impaired, and study the feasibility of creating a chapter within Title 21 dealing exclusively with such offenses.

SENATOR PIGNATELLI: I was all set to read my very well written floor remarks. This is Representative Christy's bill, recodifying the states DWI laws. He had asked us to hold this bill in committee for a while so that he could work on it some more. Then he asked us to send it to a House Study so that he could work on it over the summer; however, earlier today he had requested that I move inexpedient to legislate. Apparently he has something else that he wants to do this summer. So that would be my motion now. Inexpedient to legislate unless we want to plan the summer for him.

SENATOR GORDON: Actually that is kind of interesting. I had hoped to put an amendment on this. I just want to explain that. That is that the Senate passed a bill having to do with liquor liability. You may be familiar with that bill. The bill basically said that if you are somebody who continuously sells to minors or continuously sells to inebriated persons, that the Liquor Commission could ask you to provide financial responsibility, liability insurance, incase somebody gets injured. That bill received wide acceptance here, and actually received wide acceptance in the House, although the House got into a conflict over whether they should require it of everybody, which I think is a bad idea, or simply require it of people who are intransigent. But because they couldn't figure it out or make up their minds, they decided to send it to interim study. I guess what I would like to do is to pass this bill today, even though Representative Christy may like to make it inexpedient to legislate, and put on my amendment in regard to liquor liability, and see if they are willing to reconsider that in the House, if you would be amenable to doing that.

Senator Trombly moved to have **HB 1611**, recodifying the state's DWI laws, laid on the table.

Adopted.

LAIID ON THE TABLE

HB 1611, recodifying the state's DWI laws.

HB 1210-L, relative to capital reserve funds. Public Affairs Committee. Vote 6-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: House Bill 1210 allows municipalities and counties to raise and appropriate money from any source for capital reserve funds other than money given for charitable purposes. Capital reserve accounts are used by a municipality as savings accounts to help allocate large sums of money over a longer period of time. Being able to use capital reserve accounts in this manner, actually helps us stabilize tax rates by spreading out large purchases over a number of years. Capital reserve accounts must be fairly specific in what they funds are to be used for. It

takes a two-thirds vote of the legislative body to change the use of the funds. House Bill 1210 is a policy bill for the New Hampshire Municipal Association. The Public Affairs Committee recommends ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1216, relative to petitions for warrant articles. Public Affairs Committee. Vote 6-0. Ought to Pass, Senator Trombly for the committee.

SENATOR TROMBLY: This bill had its genesis in a school district meeting where a petition article was submitted by the voters and the school administration changed the article that appeared on the warrant and changed the intent of what the petitioners had wanted to go onto the warrant. So this bill applies only to non SB 2 locations. It says that if a petition article is submitted by the voters, no one can change it in the school administration. Thank you, Madame President.

Adopted.

Ordered to third reading.

HB 1308, relative to nomination paper requirements. Public Affairs Committee. Vote 6-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: I just want to say at this time that we have an amendment that will offer. I would like to defer to Senator Trombly.

SENATOR TROMBLY: We are going to offer a floor amendment, which is coming in under the name of Senator Fred King, but it should be a committee floor amendment. I would like to explain to the Senate, Madame President, to save time. The committee did not like the underlying bill. It was confusing and there was no way to work through that quagmire even if we studied it for three years. But there was an amendment offered by Senator King, which says that candidates can only be listed on the ballots once. The committee voted yesterday, to gut the whole bill and place Senator King's in favor of the whole bill. Unfortunately, that amendment did not appear in the calendar, so there is a floor amendment. I believe that it may be in Senator King's name, but it is really a committee amendment.

Adopted.

Senator F. King offered a floor amendment.

2000-4601s

03/04

Floor Amendment to HB 1308

Amend the title of the bill by replacing it with the following:

AN ACT relative to the manner in which candidates are listed on election ballots.

Amend the bill by replacing all after the enacting clause with the following:

1 Elections; Preparation of Voting Materials; State General Election; Listing Candidates on Ballot. Amend RSA 656:5, II to read as follows:

II. All candidates for the same office shall be placed on separate lines within a separate box. The name of each candidate shall be grouped according to the party which nominates the candidate, and the names of the candidates of the party which received the largest number of votes at the

last preceding state general election shall be listed first. The names of the candidates shall be printed with the given name first, and the candidates shall be listed alphabetically according to their surnames within each party grouping. The name of the party which nominates the candidate shall be printed near the candidate's name, except that, notwithstanding any other provision of law to the contrary, no candidate may receive the nomination of more than one political party, ***or appear on the ballot more than once as a candidate for the same office.***

2 Effective Date. This act shall take effect upon its passage.

2000-4601s

AMENDED ANALYSIS

This bill clarifies that a candidate in a state general election cannot appear on the election ballot more than once as a candidate for the same office.

SENATOR KRUEGER: I would like to take one minute to explain this amendment. There is an inequity which deals with RSA 656:5 that states that a person cannot appear on the ballot representing more than one organization or party. An independent candidate would be able to appear as both an independent or undeclared candidate as well as Democrat or republican, having received enough write-in votes. A Democrat or a Republican candidate is prohibited from doing this very thing. Clearly, this was not the legislative intent. House Bill 1308 as amended, with the King amendment, replaces the original bill with this desired amendment. The Public Affairs Committee strongly recommends that it ought to pass as amended. Thank you.

Floor Amendment adopted.

Ordered to third reading.

HB 1331, relative to campaign contributions by corporations. Public Affairs Committee. Vote 6-0. Ought to pass with amendment, Senator Trombly for the committee.

2000-4569s

03/09

Amendment to HB 1331

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; "Segregated Accounts." Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's employees, officers, shareholders, directors, partners, or members for political purposes.

2 Prohibited Political Organizations; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, officer, director, executive, agent, partner or employee acting in behalf of such business organization. This paragraph shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee as defined in RSA 664:2 that operates independently of the business organization to be used for making political contributions and expenditures if the fund consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner or member of the business organization. The provisions of this section shall not apply to sole proprietorships.

3 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This paragraph shall not prohibit the establishment of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the labor union to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the labor union.***

4 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

2000-4569s

AMENDED ANALYSIS

This bill eliminates the prohibition on political contributions by business organizations and labor unions that have established segregated accounts for voluntary contributions.

SENATOR TROMBLY: When the federal court struck down our campaign contribution law, what people thought was going on was that corporations and unions were setting up PACs and making contributions from the PACs. Then our campaign finance law was stricken down and unions were able to get from their treasury's directly, as were corporations. We passed the bill, in the Senate, that limited the contributions from corporations to be from PACs. In other words, we amended the law to what we thought it was. That is over in the House. The House came to us, this is a bill dealing with corporate contributions from the House, but the House came to us, with a very convoluted unintelligible amendment that the committee rejected out of hand, and quite rightfully so. But, what we thought we should do, one component of what the House had done, was to put the same limitation on union contribution as we had on corporations. We thought whereas the prior practice and intent of the law, was that unions and corporations give only from PACs, we gutted the House Bill and put in the Senate Bill as it passed here, amended, added the union component, and that is what is before you today. Thank you, Madame President.

Amendment adopted.

Senator Below offered a floor amendment.

2000-4585s

03/10

Floor Amendment to HB 1331

Amend the title of the bill by replacing it with the following:

AN ACT relative to campaign contributions by business organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Political Expenditures and Contributions; Definitions; Segregated Accounts. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraph:

XVIII. "Segregated accounts" means accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

2 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception; Business Organizations. RSA 664:4, I is repealed and reenacted to read as follows:

I. By any business organization, officer, director, executive, agent, partner, or employee acting in behalf of such business organization. This paragraph shall not prohibit the establishment of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the business organization to be used for making political contributions and expenditures if such account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the business organization. The provisions of this section shall not apply to sole proprietorships.

3 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception; Labor Unions. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This paragraph shall not prohibit the establishment of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the labor union to be used for making political contributions and expenditures if such account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the labor union.***

4 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

5 Effective Date. This act shall take effect upon its passage.

2000-4585s

AMENDED ANALYSIS

This bill defines segregated accounts and eliminates the prohibition on political contributions by business organizations and labor unions that have established segregated accounts for voluntary contributions.

SENATOR BELOW: This floor amendment is entirely consistent with Senator Trombly's and the committee's intention. It does two things. One, in the definition of segregated accounts, it adds the reference to labor unions or a group of labor unions. That is on line ten of the amendment. That is missing from the committee amendment. The concept of segregated accounts was added to the part of the statute concerning business organizations, which...and the labor union part. So it is just consistent with that. The other thing that it does is on line 16, at the end of it, it says, "this paragraph shall not prohibit the establishment of a separate segregated account". The other version said "the establishment and administration of a separate segregated account". It drops the reference

to administration with the feeling that a business organization or a labor union can establish these segregated accounts, but they don't need to administer them, they could be self administrated. That is the only other difference.

Floor Amendment adopted.

Ordered to third reading.

HB 1531, relative to the preemption of local regulations of firearms. Public Affairs Committee. Vote 6-0. Ought to pass with amendment, Senator Trombly for the committee.

2000-4570s

05/10

Amendment to HB 1531

Amend the bill by replacing section 1 with the following:

1 New Section; Preemption of Local Firearms Regulations. Amend RSA 159 by inserting after section 6-f the following new section:

159:6-g Preemption of Local Firearms Regulations. No political subdivision shall impose special taxation on, enact any law, ordinance, or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, carrying, or possession of handguns or other firearms, or components of handguns or other firearms, except as otherwise provided in state or federal law. This section shall not be deemed to affect RSA 159-B, nor the control of municipalities over the use of municipally owned property, excluding public highways as defined by RSA 229:1, nor the administration of other sections of this chapter.

SENATOR TROMBLY: This bill was sent to us by the House in preparation for the potential passage of the Home rule constitutional amendment that will be on the ballot this November. What this bill does is it says that in the regulation of guns, the state will have preemption. The purpose of the bill is to avoid a patchwork of gun laws from town-to-town within the state. The regulation of gun use, if any at all, which I think is important, would be done at the state level, with one exception. That exception is, and that is in the committee amendment, cities and towns will be given the rights to regulate gun usage in town or city property. The concern by the Municipal Association was that if we pass the bill as presented to us by the House, then if a town wanted to ban hunting in a the town forest, or to regulate gun ownership on the town playground, or if the town wanted to say that persons shall not carry weapons into the town office, if we passed the bill the way that it came to us from the House, they couldn't do that. So the committee felt that the overriding concern for Home rule, was strong enough to create an exception to the preemption. So if you pass the bill as amended, the state of New Hampshire will have the final say on gun regulation, if any, statewide, with the exception of town or city owned property, which the towns or cities will be able to regulate. Now that makes sense. Because right now, a private homeowner can post their property. They can regulate the use and possession and ownership of guns on their property. Well public property is owned by the public and that is a different type of ownership where the people, the owners, would have the say on how this property is used. The committee did not believe that this legislature should preempt towns and cities from regulating the use of guns on town or city owned property. This amendment does prevent a city and town from regulating the use of guns on privately held property. That will be

left to the state, if it chooses to do it. There is one exception, to the publicly held property rule. That is this, that the use and possession of guns on highways, as defined in the statutes, which it contains all the section listing the highways, will be left to the state. The reason for that was, that it would be impractical and inexpedient for the citizens of the state who want to...there are Concord residents who want to hunt in Berlin. If we allowed the towns to regulate there, you could have them traveling from one town that said no possession of a gun on the highway into one that said that they could and into one that said that they couldn't...and then they could be arrested. So for consistency sake, we said the state will have pre-emption. Towns will have it on their property only with the exception of highways, which we left to the state. It does not mandate gun control. It doesn't mandate that we do something and it doesn't mandate that we do nothing. It simply says that the state will regulate gun usage and control within the exception of the towns own property. If there are any questions, Madame President, I will be glad to answer them.

SENATOR FRANCOEUR: I think that as we all listen to Senator Trombly and we get into the problem with the roads and where you could travel and where you couldn't, you can understand part of what the problem is with 1531 with the amendment. If you look at 1531 and you have a gun in your car and you go to town hall, where do you park? The parking lot is not the road. Do I leave it in the car? Now I have a storage problem. Do I have kids with me? I understand that there has been in New Hampshire, a problem where an individual went in and shot up an town hall. But you have to understand that an individual that is going to do that, could care less if we have a law that says that you can't carry a gun in here, because we have plenty of laws that say that you can't shoot people. Also, when you take...and I ask the Senate to be careful because as we take a look at this and you discuss this type of situation on Home Rule, you are creating a lot of confusion for the citizens. If I live in one town and as a senator represent several towns, when I go to a couple different towns, I have a problem with each town that I go in. I could have two hundred and some odd different laws in state of New Hampshire concerning this. Just imagine if we had this on seat belts. I would ask that the original version and the intent that the sponsor had was to make this so that it was similar and consistent throughout the state, so that there wouldn't be the confusion on the individuals that was out there. The original bill, the way that it was written and passed out of the House, makes sense. By adding this amendment, we are adding a lot of problems to this bill. I would ask the Senate to not pass this amendment.

SENATOR KRUEGER: I can't agree anymore with Senator Francoeur. Just to add a little information to the other Senators in the room, speaking for myself, I had voted to get it out of committee. I also like the original bill. I was uncomfortable with a couple of amendments that were presented to us, from a House member, because they seemed to be very, very complicated. Senator Trombly, would, I am sure, agree, that we knew that we had problems, and that we thought, by this language, that we would have eliminated the problems. Come to find out, after we adjourned as a committee, that the more that we looked into it, the more problems there were, so I wouldn't want anyone in this room, to think that though I helped pass it out of committee that I would in fact support it, because I will not support it. Thank you very much.

SENATOR MCCARLEY: I rise to speak briefly. We did spend a lot of time on this one. I think that you got to ask yourself...and I have some pre-

emption problems at the state level in general, and I did support the Home Rule legislation, but I think that cities and towns ought to have the ability to say whether or not you can hunt in their town or city park or forest. I think that is a very legitimate issue for local citizens to be able to decide. To suggest that we are going to make that decision here, I think is wrong. The reality is that if they made a decision to ban that, it would have to be posted. If one can't read, you might not know they posted it, but let's assume if they made those, and you drive into a town, you are going to know that that is the situation on public places, just as private property can be posted so that you will know that. So I think that it is not really a strong argument. I think that while it is a difficult bill, I think that this is good legislation and I hope that we pass it.

SENATOR DISNARD: I have always supported gun owners and hunting and rights. But every morning when I drive down here, I stop in the community of Newbury to get coffee and donuts. It is not in my district and I really don't get the devil, but, this was the community that the two clerks in the town hall, several years ago, were shot and killed. I understand the argument about certain gun laws may not indicate that someone will not use a gun in an inappropriate manner. But for the first time, I really think that a community, in its town hall, in this community center, and in its buildings, should be able to indicate who should or should not come in with a dangerous weapon. So for the first time...and up until yesterday, not one gun owner approached me against or how to vote on this bill. The Gun Owners Association as we were just about to vote, talked with me. So I don't think that it is a big concern among the gun owners, about the town indicating who should be able to come in what building that they own with a weapon.

SENATOR ROBERGE: Madame President and members of the Senate, I am one of the six who voted to pass this bill as amended. I have been persuaded by more information and now I will change my vote.

SENATOR COHEN: You know, we talk about local control. If local control means anything, then an issue such as this, it ought to have some impact. I should be able to know if my child or children, if they are going into a different town, what the laws are there. This doesn't impose anything. A town could be less or more. An issue about things that could down to life and death. If local control means anything, we ought to pass this.

SENATOR LARSEN: I think that what we have is some confusion of the tail end of a long day. What we need to do is to take a deep breath and look at this. I actually believe that if you really think about it, I think that we don't have a problem with the way that the laws are currently. I haven't heard that our laws relating to firearms...and local enforcement has caused a problem. So I believe that our best action would be to table this motion, this bill, entirely until...because there is great confusion. I think that you need to think about if you are in a town forest, how do you know when you are out...if we pass the amendment, how will you know when you leave that town forest and are on private lands where someone could in fact, be carrying firearms. In the same way, how do you know that you are crossing...if you are carrying a firearm legally, that you are crossing into an area that is not permitted? I don't believe that we have a problem with the current law. I don't think that we need to be messing with it. If it is permitted, I would like to move to table this bill at this time.

SUBSTITUTE MOTION

Senator Gordon moved to substitute Interim Study for ought to pass with amendment.

Recess.

Out of Recess.

SENATOR TROMBLY: I am going to set the record straight here, on exactly what is going on because when those of you who vote however you wish to vote on this issue, are confronted with this issue on the campaign trail, I want to be able to make sure that you understand exactly what has happened. This bill was put in by someone who is very supportive of not passing gun legislation. That person testified to the committee and said, "I have a real concern that if the Home Rule Constitutional Amendment, passes, that what will happen without preemption, at the state level, is a patchwork of gun laws from town to city, to town to city." I agreed with that philosophy. That it made absolute certain sense that before the voters speak, we get it on the record that in order to void that mess, that the state will regulate gun control and usage. That is what the majority of the committee went along with yesterday. Now at the public hearing, it was expressed by the Municipal Association that there was a concern, that when you take away from the towns, the authority to pass gun legislation, that they won't have the say on who uses and possesses a gun in the town hall, or as it was said to me, at town meeting. Now that bothered me, so I thought that we ought to pass an amendment that says "as to town property". We should keep that right and reserve it for the towns. That then, in turn, presented a problem to those people that can't stand gun control of any kind, any nature, whatsoever. Understand it? It is whatsoever. They want zero. So they want to give it all to the state and the state to keep it. They can't live with the thought that God help us, the people at town meeting or the city council elected by the people don't have any right or say in what is going to happen in their communities, they can't live with that little bit of democracy because it is too much for them. It is too much of a burden because they might pass gun control. They can't stand it. So they said, "hey you have a problem." You are going to allow the regulation of...you are going to give them the ability to regulate it, let's say public roads. Well, I think that they have a point, because the intent of the legislation was to create that layer that said, that there will be uniformity and consistency no matter what is passed because nothing in this bill says that the state of New Hampshire is or has to do a thing. It might do nothing. But the threat of something happening by the people in their own localities, where this debate should take place on whether or not they are going to have gun control, whether someone is going to shoot up the town forest while someone is having a picnic or someone should be allowed to carried a loaded weapon in the town park is something they can't buy. That is all. That is what is going on here, folks. They can't stand it. The thought that you can't carry a loaded weapon down to the park while kids are swinging, the possible threat of the municipalities doing something about that is something that they can't tolerate. I don't buy it. I think that the towns ought to have their say. So what did the committee do to accommodate that concern? We said, fine. If the public roads, the transportation of weapons is a problem for you, we will exempt it out. That makes sense to me. My father lives in Boscawen and sometimes he likes to hunt in Concord. East Concord, the voters of Concord, through their city council, said that they don't want guns on our roads, well, he would be breaking the law. So we said, "well that would make sense to allow the state to

do it, if the state is going to do anything." So you can study it. I have no investment in this particular piece of legislation. But we are going to pass it, I do have an investment in letting the cities and towns say what they are going to do. I do, have no investment in whether this bill passes or not. Send it to study, and the people that wanted the bill in the first place aren't going to get what they wanted because the bill is not going to be law. And there is no guarantee that they are going to get this bill out of the next session of the House or this Senate. So quite frankly, I am fed up with that attitude. I am fed up with it. I am trying to cover the basis for them because they want this law because it makes a certain amount of sense for me, and they are scuttling it now. Well you know what, vote for interim study because I think that they deserve everything that they get out of this Senate.

SENATOR KRUEGER: I rise to speak in favor interim study for the first time. I certainly am someone who believes in the right for gun owners, but you have also seen me on the floor of this Senate, supportive of child protection, so I must not be one of those 'whatever's. However, I need to tell you that I think about that same ballgame and I think about those same kids thinking that they are totally protected on a municipal ball field and wandering 25 feet into a private property where there in fact, hunting is well allowed, if not encouraged. So I look at it again, in another way. Maybe the other way that I look at it is not exactly the way or I don't have the motives, that possibly Senator Trombly might think; however, I think that interim study will give us the opportunity in all sincerity to look at this and be able to do the right thing so that we will have the gun laws that we need. Thank you very much.

SENATOR GORDON: I love Senator Trombly when he gets animated. I can remember being equally as animated when we passed the Home Rule legislation and my strong feelings about that. What I am seeing right now, is legislation coming back to visit us as a result of having passed that legislation. It hasn't even been adopted by the people of the state, and already we are seeing legislation directed to us, to counteract it. You know, I suspect that next session, we will see a bill from the people who work in the woods, saying that they don't want laws in every single town. Then we are going to see a bill from contractors, saying that there shouldn't be separate codes in each individual towns. Then we are going to see bills from every particular group that works from community to community, come in here and say that the state must have some regulation, we can't have every single town regulate this. For me, moving interim study has absolutely nothing to do with guns or the gun issue. I want to assure Senator Trombly of that. The reason that I am moving interim study is exactly what Senator Larsen said, and that is that we are trying to fix a problem that doesn't exist. I understand that they banned guns right now in the town of Newbury in the town office building. What are we trying to fix here? There is nothing to fix. I think that we ought to wait until November and wait to see if the people of the state vote for Home Rule. If they vote for Home Rule, and then we have a problem, then maybe we have something to fix. So I want to assure Senator Trombly that I am not doing the...carrying the water for the gun owners of New Hampshire. That is not the issue here. The issue is Home Rule, and the fact that we are trying to, preemptively, do something that at this point in time, I don't think that we should be doing. Let's wait and see what happens in November.

SENATOR WHEELER: I would prefer to be rising in support of inexpedient to legislate motion. I think that it is not only not appropriate to do it now, it would be creating a problem because if we were to pass it as originally presented, it is my understanding that the town of Newbury couldn't ban the use of the firearms in their town office. But my question is, why is the convenience of gun owners of such paramount importance, that it supercedes the legislatively adopted principle of Home Rule? Thank you.

Question is on the adoption of interim study.

A roll call was requested by Senator Trombly.

Seconded by Senator Gordon.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, McCarley, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Larsen, Krueger, Brown, Russman, D'Allesandro, Wheeler, Klemm.

The following Senators voted No: Trombly, Disnard, J. King, Cohen.

Yeas: 19 - Nays: 4

Interim study is adopted.

HOUSE MESSAGE

The House of Representatives has failed to obtain, as required by House Rule 35 (e), the required two-thirds vote necessary for consideration, the House of Representatives has refused to consider the request for concurrence with the Senate amendment to the following entitled House Bill because language in the amendment is substantially similar to legislation indefinitely postponed by the House during the 1999 session.:

HB 542-FN-A, repealing the legacies and succession tax.

SENATE PRESIDENT HOLLINGWORTH (In the Chair): This bill is coming back to us because it appears that there is some...last year when this bill was brought up, there was a parliamentary question asked if whether this process would be allowed for the bill to come back? At that time, I had said that Senator Blaisdell had made a motion to allow HB 109 and HB 117 in and therefore, I felt that should this bill come back to us that we would follow the same precedent. I would like to remind the Senate that I have had legal counsel and the clerk look at it, there is certainly a condition that we need to address in our rules if we go ahead with this precedent next year because it does weaken, I think, the Senate's position to allow bills that have...that the House just sends them back because they don't like the language. Because of that precedent, and because it is something that I have promised the Senate, I will allow this bill to come back before the Senate and I understand that there are some amendments that will be coming on this bill.

SENATOR D'ALLESANDRO: I think that what we are doing is supporting something that was unprecedented in the past and continuing that precedent. In essence, saying that anything that the Senate does, that isn't acceptable to the House, is just thrown back to us. We are two separate bodies. We sent the House of Representatives a message that provided tax relief and provided a methodology to fund it. Under their rules, they didn't accept our proposal and they throw it back to us. What I am saying is, what is the sense of having a Senate, if indeed, what we do is unacceptable to the House and we take it back? By doing this, have we not said that anything that we send to the House that is not acceptable, comes bouncing back

to us? We are co-equal bodies. If what we send is not acceptable then I say what they send back is not acceptable. We have accepted House Bills today that they suspended their rules on and sent over to us, and we accepted them, because we think that it is in the process of good government. I hate living on one-way streets. Streets that say one-way are a problem for me. I believe that live is a two-way street and by doing this, what we are doing is accepting the fact that we are not a co-equal. Thank you.

SENATE PRESIDENT HOLLINGWORTH (In the Chair): Senator D'Allesandro, I agree that we have another bill that is the same way, but if you would like to have a vote of the Senate, I would be happy to agree with that if that is what you choose to do at this time. Do you wish to have a vote of the Senate on whether this should be let in? I think that while I agree with you, I think that we have set this precedent and I think that the will of the Senate is to correct our rules to make sure that this doesn't happen in the future.

SENATOR BELOW: For precedent, I think that if we non concur with a House Bill, we should send it back to the House. Under Mason's rule, which we do not follow, but Mason's Manual of Legislative Procedure, which is used by many legislatures, but not ours. It is used by the House, but not us. Does provide that if one body non concurs, it goes back to the other body and that actually enhances the power of this body, because otherwise, the bill would simply be dead. So we should take it back and we can choose whether to kill it rather than letting the House decide whether to kill it or we can decide to amend it. I think that this is the right precedent and we should accept it back and decide what we want to do with it.

SENATOR BROWN: When we voted, Senator D'Allesandro, on the amended version, I left here that day feeling very comfortable that I had been reassured that if the House would not accept this bill that it would come back and we would have a chance...as you know, I am a co-sponsor of this bill, and it means a lot to me. It means a lot to a lot of people, to have a straight vote on this bill. So I just want to say that I know that there is a lot of stuff going on that I don't understand between bills being in drawers and all that kind of thing, but in this case, I hope that we will all feel comfortable taking this vote on this bill.

Recess.

Out of Recess.

HB 542-FN-A, repealing the legacies and succession tax.

Senator Trombly moved ought to pass.

Adopted.

Senator Trombly offered a floor amendment.

Sen. Trombly, Dist. 7

Sen. McCarley, Dist. 6

Sen. J. King, Dist. 18

Sen. D'Allesandro, Dist. 20

2000-4596s

09/01

Floor Amendment to HB 542-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT repealing the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 86, relative to the legacies and succession tax, is repealed.

2 Contingency. Section 1 of this act shall take effect upon the effective date of legislation which creates sufficient revenue, as evidenced by the fiscal note or notes accompanying such legislation, to meet or exceed the revenue lost by the repeal of the legacies and succession tax.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

2000-4596s

AMENDED ANALYSIS

This bill repeals the legacies and succession tax, contingent upon the adoption of legislation which creates sufficient revenue to meet or exceed the revenue lost by the repeal of the legacies and succession tax.

SENATOR TROMBLY: Madame President, I will be very brief because the amendment is self explanatory. This simply says that the repeal occurs and that it takes place when the House and Senate pass sufficient legislation to replace the lost revenue on account of the appeal.

SENATOR GORDON: Senator Trombly, I just need to understand what I am voting on. Is this the exact bill that came over from the House?

SENATOR TROMBLY: This says "Amend the bill by replacing all after the enacting clause." So then the House passed number one, line 7, Senator Gordon.

SENATOR GORDON: The bill, as it came to us, is just a one line bill.

SENATOR TROMBLY: This takes out the "gaming" as we amended it. It adds the House bill back in. Then in section two it says that it is repealed, but it takes effect when we identify through a fiscal note, that we have passed sufficient revenue to replace the money.

SENATOR GORDON: So what we are doing is, we are adopting an additional amendment to the bill, which came to us so this would have to go back to the House, be potentially subjected to a Committee of Conference, and even if it does pass, it won't be effective, unless at some point in time, some future legislative body puts together a fiscal note saying that there is money to offset the legacy and succession tax?

SENATOR TROMBLY: Yes.

SENATOR BROWN: Senator Trombly, why is it necessary that it be a new piece of legislation? Why isn't it simply that we have revenues that exceed projections or other ways of coming up with the money?

SENATOR TROMBLY: Because as the reality is right now, we have a deficit, and if we repeal this right now, we potentially add to the deficit. But it says, Senator Brown, I think that it takes care of your problem, because it says through a fiscal note. So if we adopted a budget next year, and said that the revenue was streamed for the repeal because the effective date for the House...excuse me, the Senate amendment...I understand that Senator Brown is going to offer an amendment that would move the effective date to 2001, the same way that we passed it out of here without gaming. The budget next year could say that this is a revenue stream. Okay?

SENATOR BROWN: Thank you.

SENATOR GORDON: I am going to oppose this amendment, only because it doesn't do what I think needs to be done and that is to repeal the legacy and succession tax. It doesn't repeal the tax. What it does is it creates a system for creating fiscal notes. It does not repeal the tax. I would ask you to defeat the amendment. Anyone who votes for this is not voting to repeal the tax, it is voting to keep the tax.

Recess.

Out of Recess.

A roll call was requested by Senator Gordon.

Seconded by Senator Pignatelli.

The following Senators voted Yes: McCarley, Trombly, Disnard, Larsen, J. King, D'Allesandro, Cohen.

The following Senators voted No: F. King, Gordon, Johnson, Fraser, Below, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Krueger, Brown, Russman, Wheeler, Klemm.

Yeas: 7 - Nays: 16

Floor amendment failed.

Senator Below offered a floor amendment.

2000-4584s

09/04

Floor Amendment to HB 542-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT repealing the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 86, relative to the legacies and succession tax, is repealed.

2 Effective Date. This act shall take effect July 1, 2001.

2000-4584s

AMENDED ANALYSIS

This bill repeals the legacies and succession tax.

SENATOR BELOW: This is real simple. This takes the bill back to the way that it was reported out by Ways and Means and I believe the Finance Committee, the way it was last before us. It repeals the legacy and succession tax as of July 1, 2001. The start of the next biennium. If we pass this now, we will all know that that has to be factored into the budget next time and find other revenues to commit to repealing this discriminatory tax.

SENATOR MCCARLEY: Senator Below, I was unfortunately late this morning for the session that you and Senator King put on, but as I understand it, by the end of 2003, based on this form that is produced by Senator Fred King, on the school funding entitlement analysis dated May 18, by virtue of this repeal, we show a deficit of a \$152,930,233, which includes this particular repeal. Now as I understand it, this repeal is worth about \$25 million a year, give or take. So that is \$50 million. I understand that we are going to have later stuff that is going

to bring in and reduce this somewhat, but we are still going to be sitting. We have spent a lot of time looking for all of the revenue sources this last year. So do you feel fiscally, that this is an appropriate move at this time?

SENATOR BELOW: Yes, I do.

SENATOR MCCARLEY: Okay, thank you. That is all that I wanted to know.

SENATOR BELOW: It is a big hole, and either we are going to fill it or not. This tax, the repeal of this tax, isn't fundamentally going to make the difference in whether we solve that deficit or not.

SENATOR J. KING: I rise to say that I am not going to vote for this, unless there is some money to take care of the amount that is being taken out of the budget. To say that you are going to vote for something where you already have a deficit, and then go home and say that you are fiscal conservatives or whatever you want to call yourselves, or that you are worried about the budget, pass the buck to someone else down the line in the next session, 2001. I don't think that it is right. I don't think that it should be done. If we are going to pass this...if we are going to get rid of this tax, and I think that it should be...but not by passing the buck to somebody else on their tax schedule, God only knows what it is going to be. It is the wrong way to do it.

SENATOR GORDON: I would like to address that particular issue. The fact is that this goes into effect and effects us in the next biennium. It is not exacerbating at all the budget deficit, which we created for ourselves in this biennium. That exists regardless of what we do. This goes into effect next biennium. If we are really honest with ourselves, what we will do is to enact this today and repeal it. Then when it comes time next year, when we need to decide in the next biennium, if we need money, and we think that this is a fair tax, then those legislators of next year, do you know what they should do? They should enact a legacies and succession tax that puts 18 percent of nonlinear decedents, and no tax at all on children, grandchildren and great grandchildren. Then let them decide if they think that is a fair thing to do. It just isn't. That is the honest way to approach it. Let them vote next year, in the next biennium. Let them decide whether or not that is fair or appropriate. The only reason that you wouldn't want to repeal this is because you want inertia to carry this tax forward because we don't have the wherewithal to repeal it now. Let's decide how we are going to raise our revenues in the next biennium, like we should do every two years. This makes sense. It is fair. Let's do what is fair. The compromise here, is that people are saying "well, we can't afford it, so we can't afford to do what is fair." What I am saying is, with a conscience, I stand here and say I can't do what is unfair. It is just not right for the people of the state to do what is unfair because it is politically expedient to do otherwise.

SENATOR SQUIRES: I rise to echo those sentiments. The idea seems to be that we should not support something for which there isn't funding, well may I call your attention to this sheet that was handed out this morning, to all of us. As we stand here, 13 months from now, we have a deficit of \$92,968,812. It is not consistent in my view, to criticize us for wanting to change something in 2002 as being irresponsible, when as we sit here, we have a deficit of that magnitude. This is the problem that ought to be fixed and we haven't been able to do it. But it is irresponsible be it conservative, liberal, libertarian, who cares? It is irresponsible of us to have allowed that to happen. A deficit of almost \$100 million in the biennium, over which we had control.

SENATOR MCCARLEY: I stand to make, probable more than one point. First off, I take very serious issue with statements made earlier, that voting for a repeal that comes in at exactly the time that there is the ability to pay for it, is not voting for a repeal. I might also add that I voted for a repeal of this tax several weeks ago, with the funding mechanism. I have voted for every funding mechanism that would solve all of these. I have voted for what has the deficit at the end of this next year, and I accept that Senator Squires, and I am still working to figure out ways to deal with that in terms of what we are going to do with the budget. I worked hard on this floor today to guarantee that we didn't make that worse, in the next year. So some of us have been trying very hard to accept our responsibilities on this whole thing. Tried very, very hard to do that. I hate unfair taxes. I am glad that I wasn't here when we voted for this one in the first place, whenever we did. I would like to think that I would not have voted it. But what I can't tell you right now is, I can't add another \$50 million for which I have some belief that there is the possibility that we will still not be able to grapple with the revenue source, and we will solve our problems in that next budget by whacking that budget. I can't tell you what that may do for fairness, for citizens, kids, and old people in this state. But I can predict that it isn't going to feel very fair. So while I appreciate that it may sound unreasonable to fall back, it may sound like I don't have courage, relative to pleading for fiscal responsibility, but fiscal responsibility to some degree, is about being able to contain matters and control matters so that going forward you can do the best for the most people. That is why I will not...I could not support this before and will not be able to support it again today.

SENATOR TROMBLY: I think that sometimes what is in front of us is either ignored or we just don't see it because we are spending so much time trying to figure out why what is logical doesn't make sense. I did, those of you who are going to vote for this amendment, one step better in my amendment that you just defeated. I did you one step better and I did the same thing, and you didn't buy that. So you are going to vote yes for this, but no for that. If my amendment that I just offered that was defeated by this Senate with only a handful of votes, if it had passed, it had the ability of the Senate President and the Speaker of the House to come in and repeal the legacy and succession tax, this July! This August! This September! This December! Not 2001! I moved the date up. But there are some people here so concerned with an agenda, which quite frankly, isn't beyond me, they want to move this long, to have people do things for their reasons. But you could have repealed the legacy and succession tax this August. Senator McCarley is right. Those of us who voted for an amendment, which was sold by those of you who didn't want it, as a way to kill the legacy and succession tax, was a way to fund it, and repeal it. It did both. This year. But you want the people to believe that by voting against those things, and extending it out a year or two, you are the ones moving to repeal this tax immediately. You are wrong. They're wrong. Those of us who voted for that amendment two weeks ago, funded it and repealed it this year. Period. We didn't add to the deficit, we repealed it, this year! Not what this amendment does. And my last amendment, if you don't buy that we could have come back from our vacations to deal with the money problem, because some of you seem not to want to care. And you all know where I stand on this tax, cause I have told you. I have told you where I stand. But even if you didn't want to come back and do it, as I answered to Senator Brown, I said, "you can repeal this next year if

you simply state in the budget that this is the money that goes to fund the repeal." Exactly what this amendment does. But, no, you're too busy looking for a motive other than what was clear on its face. You gave up the opportunity. You gave up the possibility. You surrendered to some other force because you don't want to come back, because heaven help you, you might have to vote for a revenue source that fixes this repeal. So you want to shuffle it along as Senator King said. That is what you want to do, and try to make those of us who want to repeal it now, and fix it now, look like that is not what we want to do. That shell game is not going to play.

SENATOR D'ALLESANDRO: I would just like to reflect that this body sent a bill to the House of Representatives that repealed the legacy and succession tax. That upped the amount that you could deduct for the income and the interest and dividends tax, reduce the property tax. It produced no new taxes, funded this situation and allowed us not to cut the budget. That was responsive and responsible legislation. We sent that to the House of Representatives and guess what? They said "baloney - we don't want lower property taxes. We don't want the legacy and succession tax repealed. We don't want greater reductions in the interest and dividends tax. We don't want no budget cuts. We don't want a budget surplus. We want it back here and that is where it is. In our lap again. Life is a series of problem solving exercises. We solve the problem responsibly. We did it. How many times do we have to do it? I want to quote Senator Fred King. "I have voted for every tax that has come down the pike. Every one." He has voted for the income tax. I haven't, but I am quoting Senator King. I want to quote the sage of the north country. But we have done it and here we are going through the same series of imaginations again. Well what if we did pass something that solved the problem? Would the House again reject it? It just seems to me that if we are going to be responsible and we are going to be responsive, we have done it. We have done it. And to do it over and over again doesn't make any sense to me. Thank you.

SENATOR LARSEN: I had to pull out this article. This editorial from the *Concord Monitor* because I think that it really captures what is going on. It says, "Enough Games. 1) It is an election year. 2) Voters don't like taxes. 3) An out break of tax cut fever in the legislature is what is causing this." We heard today that we can't live with unfair taxes. I am sorry, we have a lot of unfair taxes in this state. Since 1905 this unfair tax has been there. I am here to try to make as many taxes fair as I can. But I think that it is more unfair to shift the cost of this \$30 million loss onto the next legislature. The problem does not lie in a willingness in this body, in this year, to fix the problem, to fix the revenue. The problem lies in an unwillingness by a 400 member House that cannot agree on any solution, let alone one that will work. We are hopeful that next year this is going to change. We are going to have some consensus that the closer you get to brinkmanship perhaps, the more people see the crisis that will occur if we don't find consensus. But we make the same mistake which I think we made, and I served on the Committee of Conference, and leaving a hole in the education funding, the idea behind the Committee of Conference on HB 117 was that that hole would be filled by a consensus of legislators who wanted to find how to fill the gap instead of allowing the six conferees to decide, we moved it outside the Committee of Conference and tried to put in the House of Representatives in the Senate. It didn't work. We need to learn from our mistakes. We can't continue to create holes that we assume that there will be

consensus to refill. What we will be bringing in ourselves, if there is not consensus, is an incredible array of cuts to Health and Human Services in the next biennium because of some optimistic view that somehow we can make taxes fair and we will refill them in subsequent years. It doesn't work folks. I think that you don't change taxes, you don't change your revenue base until you know there is an alternative that people will agree to. I say that we wait for some agreement.

A roll call was requested by Senator Gordon.

Seconded by Senator Fernald.

The following Senators voted Yes: Gordon, Johnson, Below, Trombly, Disnard, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Krueger, Brown, Russman, Wheeler, Cohen.

The following Senators voted No: F. King, Fraser, McCarley, Larsen, J. King, D'Allesandro, Klemm.

Yeas: 16 - Nays: 7

Floor Amendment adopted.

Senator Trombly offered a floor amendment.

Sen. Trombly, Dist. 7

Sen. McCarley, Dist. 6

Sen. J. King, Dist. 18

Sen. D'Allesandro, Dist. 20

2000-4594s

09/01

Floor Amendment to HB 542-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT repealing the legacies and succession tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 86, relative to the legacies and succession tax, is repealed.

2 Contingency. Section 1 of this act shall take effect upon the date that the governor certifies to the senate president and the speaker of the house that the 3 percent budget cut and the hiring freeze imposed for the 2000-2001 biennium is rescinded.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

2000-4594s

AMENDED ANALYSIS

This bill repeals the legacies and succession tax, contingent upon the rescission of the 3 percent budget cut and the hiring freeze imposed for the 2000-2001 biennium.

SENATOR TROMBLY: I will be very brief because this is self explanatory. This says that it would go into effect...it says that the repeal would become effective when the Senate President and the Speaker of the House, notified by the Governor, that the 3 percent budget cut and the hiring freeze imposed for the 2000-2001 biennium is rescinded. Everything that I want to say about my prior amendment goes for this amendment too. If the

governor certifies that her executive order, relative to the budget, is no longer into effect, she does that in July or August. If revenues are up and if it happens, if we come back and find another source, and she rescinds it, this gives the Senate the opportunity to enact the repeal sooner than 2001. Thank you, Madame President.

A roll call was requested by Senator Trombly.

Seconded by Senator Klemm.

The following Senators voted Yes: McCarley, Trombly, Disnard, Larsen, J. King, D'Allesandro, Wheeler, Cohen.

The following Senators voted No: F. King, Gordon, Johnson, Fraser, Below, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Krueger, Brown, Russman, Klemm.

Yeas: 8 - Nays: 15

Floor amendment failed.

Senator F. King offered a floor amendment.

2000-4571s

04/01

Floor Amendment to HB 542-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT repealing the taxation of legacies and successions, establishing a reformed public school financing system for ensuring educational adequacy for all children, and establishing a state public education assistance system funded solely with state tax revenues and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings, Purpose, and Legislative Intent.

1. Findings on the Basis for a Successful Public Education System. The legislature finds that the overall quality of a public education system – curriculum, facilities, teachers, and administration – is enhanced if it is created and financed in the first instance through democratic processes carried out through local governments. This finding is based on the following conclusions:

(a) Local administration and local financing for public education will generate a successful education for children because local decision-making vests parents, teachers, administration, and the local community in the operation and outcome of the schools in a direct and personal way.

(b) A principally state-financed public education system will undermine the generation of a successful education for children because (i) resources devoted to public education will be reduced over time due to the fact that the state budget and appropriation process is more complex and competitive than the local government budget process, and (ii) state financing will reduce parental involvement in the development of local public school programs.

(c) A public education system should be based on a mix of state resources and local resources in order to enhance the opportunity for generation of a successful education for children, and that mix should be generally consistent with historical and current data concerning public education in New England. New England states are generally financed with local revenues first and with state revenues second, with local revenues constituting between 50 and 70 percent of the total public education budget.

II. Findings on the Status of the Current Public Education System. The legislature makes the following findings concerning the status of the current public education system in this state.

(a) The legislature finds that the public education system in existence before the enactment of chapter 17 and chapter 65 of 1999 NH Laws, and the public education system adopted pursuant to such laws, presented and continues to present, unreasonable risks that children in poorer communities are at risk of receiving a less-than-constitutionally-adequate education. This finding is based on the following conclusions:

(1) The mix of state resources and local resources generally established in the public education system in New Hampshire in 1998, whereby over 90 percent of the total annual cost of public education was financed by local property tax resources, generated too great a risk that the state's obligation to guarantee funding to ensure that all children will receive an adequate education would not be fulfilled.

(2) The mix of state resources and local resources established in the public education system in New Hampshire under chapter 17 and chapter 65 of 1999 NH Laws, whereby over 65 percent of the total annual cost of public education is financed by state resources that are distributed on a weighted per pupil basis, regardless of need, generates too great a risk that the state's obligation to guarantee funding to ensure that all children will receive an adequate education would not be fulfilled.

(3) The legislature finds that the public education system established under chapter 17 and chapter 65 of 1999 NH Laws, whereby the state education aid is distributed among communities on a weighted per pupil basis regardless of any determination of need for such state aid, and local communities are then encouraged to utilize their local property tax resources to supplement such state aid, risks exacerbating educational inequities that exist among "property rich" and "property poor" districts.

(b) The legislature finds that the operation and financing of the public education system established by chapter 17 and chapter 65 of 1999 NH Laws threatens to undermine the ability of the state to finance its non-public education obligations. This finding is based on the following conclusions:

(1) The state financing obligation established by the remedial legislation is \$827 million for the fiscal year ending June 30, 2000. This amount is computed by reference to the number of pupils in the entire state, regardless of whether the students attend a school district that is at risk of providing a less than adequate education. This obligation, without amendment, could grow at an annual rate of at least 9 percent.

(2) The state financing obligation established by chapter 17 and chapter 65 of 1999 NH Laws, and its estimated growth, will soon double the state's appropriations from the general fund (approximately \$1 billion for the fiscal year ending June 30, 2000).

(3) Over the past 10 years, the state's appropriations from the general fund have increased at an average annual rate of approximately 3 percent. The legislature finds that the state's ability to continue to meet these non-public education general fund obligations will be materially jeopardized by the growth of the state financing obligation established by chapter 17 and chapter 65 of 1999 NH Laws.

(4) Any attempt to continue to meet the state financing obligation established by chapter 17 and chapter 65 of 1999 NH Laws, and its estimated growth, would require the enactment and expansion of taxes of various forms, including the state education property tax, which will together undermine and jeopardize the economy of the state.

III. Findings on the Public Education Financing System Established by This Act.

(a) In order to protect and secure the future of this state's public education system consistent with the findings stated above, the legislature hereby establishes an integrated public education financing system which:

(1) Encourages the generation of a public education system that is constructed principally upon the foundation and investment of local parental, teacher and school administration resources, which is consistent with the legislature's finding that the best format for ensuring that no child receives a less than adequate education is a locally-created, locally-financed and locally-maintained system;

(2) Significantly increases the aggregate amount of state financial assistance for public education in a manner that causes the state contribution to the total cost of public education to be over 60 percent, which is well above the average within New England, which is consistent with the legislature's findings that the prior system relied too heavily on local property tax resources; and

(3) Provides the state public education assistance to school districts through 2 separate methods, one which distributes "baseline assistance" to each community in accordance with a weighted per pupil formula, and the other which distributes "adequacy guarantee assistance" among communities based on their relative abilities to utilize local property tax resources to build a successful public education system.

(b) The legislature finds that the combination and integration of financing methods established in this act, comprised of local property tax resources, state "baseline assistance" and "adequacy guarantee assistance," establishes a public school system that will satisfy the constitutional obligation of the state (i) to provide an adequate education throughout the state, and (ii) to guarantee funding to ensure that no child shall receive less than a constitutionally adequate education.

(c) The legislature finds that the act's establishment of a 2-tiered state public education financial assistance program, which distributes "baseline assistance" to every community on a weighted per pupil basis, and which distributes "adequacy guarantee assistance" on a basis which takes into account the relative abilities of communities to utilize local resources to create and finance public education, is much more precisely targeted than a system that provides state aid based on a "cost of adequacy per pupil" methodology to satisfy the state's obligation to ensure that no child receives a less than constitutionally adequate education.

(d) Given that each component of the financing system established by this act (local property tax resources plus state "baseline assistance" and state "adequacy guarantee assistance") serves a fundamental and special purpose articulated by the legislature, the legislature finds that no one of these financing mechanisms would be sufficient, by itself, to pay for the provision of an adequate education anywhere in the state, but all together accomplish this constitutional mandate for every child throughout the state, and that the provision of "adequacy guarantee assistance" to needy communities will satisfy the state's obligation to guarantee funding to ensure that no child receives a less than constitutionally adequate education.

(e) The legislature finds that each and every resource used to fund the "baseline assistance" and the "adequacy guarantee assistance" distribution mechanisms is a state-imposed resource that has been raised by taxes that are imposed on a proportional and reasonable basis throughout the state or through other state general fund resources.

(f) The legislature finds that the integration of such state financial assistance with the local democratic processes of utilizing the local property tax to fund public education throughout the state in the manner required by this act achieves and fulfills the state's obligation to guarantee funding to ensure that no child receives a less than constitutionally adequate education.

2 State Aid for Educational Adequacy; Subdivision Heading Amended. Amend the subdivision heading immediately preceding RSA 198:38 to read as follows:

State ~~Aid~~ **Baseline Assistance** for
Educational Adequacy; Education Trust Fund

3 Education Trust Fund; References Amended. Amend the introductory paragraph of RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute ~~[adequate education grants]~~ **state baseline assistance for educational adequacy under RSA 198:42 and state aid to guarantee educational adequacy under RSA 198:58 and RSA 198:65** to municipalities' school districts ~~[pursuant to RSA 198:42]~~, and to provide education property tax hardship relief under RSA 198:55. The state treasurer shall deposit into this fund immediately upon receipt:

4 Determination of Per Pupil Adequate Education Costs and Adequate Education Grants; Reduction Factor for Grants Deleted. Amend RSA 198:40, I (b) (3) to read as follows:

(3) The department of education shall calculate the average base cost per pupil of an adequate education at the elementary school level by multiplying the base expenditure per pupil of each school district identified in subparagraph I(b)(2) of this section by the average daily membership in attendance at each of the selected school districts, and add the results across all districts selected. This sum shall then be divided by the total average daily membership in attendance at the elementary school level in all of the selected school districts ~~[and the result shall be multiplied by .9025]~~.

5 Determination of Adequate Education Grants; Multiplication Factor Added. Amend RSA 198:41, I (c) to read as follows:

(c) Subtract from the sum of subparagraph (b) the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year[-];

(d) Multiply the result obtained in subparagraph (c) by .3009.

6 New Subdivisions; State Aid to Guarantee Educational Adequacy; State Alternative Aid to Guarantee Educational Adequacy. Amend RSA 198 by inserting after section 55 the following new subdivisions:

State Aid to Guarantee Educational Adequacy

198:56 Statement of Policy. It is hereby declared to be the policy of the state of New Hampshire to share in the costs of public elementary and high school education of the local school districts of the state to the end that:

(a) The more needy school districts may be assisted in providing an adequate education program; and

(b) Education throughout New Hampshire may be improved.

198:57 Definitions. As used in this subdivision:

I. "State average equalized valuation per weighted pupil" means the equalized valuation within the state divided by the current number of weighted pupils within the state, as calculated by the department of edu-

cation, using the weighted pupil figures and the equalized valuation as published by the department of revenue administration for the second preceding fiscal year.

II. "Local equalized valuation per weighted pupil" means the equalized valuation within the school district divided by the current number of weighted pupils within the school district, as calculated by the department of education, using the weighted pupil figures and the equalized valuation as published by the department of revenue administration for the second preceding fiscal year.

III. "State per capita income" means the state per capita income as calculated by the United States Bureau of the Census, from the most recent available data.

IV. "Local per capita income" means the per capita income of the municipalities whose boundaries correspond with those of the school district, as calculated by the United States Bureau of the Census, from the most recent available data.

V. "State average revenue per weighted pupil" means the total assessment for schools within the state divided by the total number of weighted pupils within the state, as calculated by the department of education.

VI. "Local revenue per weighted pupil" means the local assessment for schools divided by the local number of weighted pupils, as calculated by the department of education.

VII. "Local equalized school tax rate" means the local equalized school tax rate, as calculated by the department of education.

VIII. "State average equalized school tax rate" means the state average equalized school tax rate, as calculated by the department of education.

IX. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received. The weights assigned to a high school pupil and to a high school pupil enrolled in a state approved vocational program reflect the differences in educational costs between these classifications when compared to the average current operating expenditure to educate a resident elementary pupil. The weights assigned to an educationally disabled child reflect the differences in education costs among the classifications of educationally disabled children when compared to the average current operating expenditure to educate a resident pupil in grades kindergarten through 12 who is not educationally disabled and not a high school pupil enrolled in a state approved vocational program. The following classifications of pupils shall carry the following weights:

(a) An elementary pupil, not educationally disabled as defined in RSA 186-C:2, I, which shall include kindergarten pupils, 1.0.

(b) A high school pupil, not educationally disabled as defined in RSA 186-C:2, I and not enrolled in a state-approved vocational program, 1.21.

(c) A high school pupil enrolled in a state-approved vocational program, 2.01.

(d) An educationally disabled child as defined in RSA 186-C:2, I, in one of the following types of programs:

(1) In-district, placed within a self-contained special education classroom, 2.57.

(2) In-district, without placement in a self-contained special education classroom, 2.12.

(3) An out-of-district day placement, 7.08.

(4) A residential placement, 8.72.

(5) A pre-school day placement, 3.37.

X. "Local education program cost" means the local number of weighted pupils multiplied by the state average cost of elementary pupils as determined by the department of education based on the school year in which the weighted factors are computed and shall not include the costs of special education.

198:58 State Aid to Guarantee Educational Adequacy; Calculation; Distribution.

I. The total number of weighted pupils for a school district shall be calculated by first multiplying the number of resident pupils in each of the classifications listed in RSA 198:57, IX by the weight factor for that classification in order to determine the number of weighted pupils in each classification. The numbers of weighted pupils in each of the classifications are then added together to determine the total number of weighted pupils for the school district.

II. An equalization factor shall be determined for each school district by the following formula:

$$\frac{\begin{array}{l} \text{State average equalized} \\ \text{valuation per weighted pupil} \end{array} \times \begin{array}{l} \text{State per} \\ \text{capita income} \end{array} \times \text{the average of} \\ \begin{array}{l} \text{Local equalized} \\ \text{valuation per weighted pupil} \end{array} \times \begin{array}{l} \text{Local per} \\ \text{capita income} \end{array} \\ \frac{\begin{array}{l} \text{Local equalized school tax rate} \\ \text{Local per capita income} \end{array}}{\text{State average revenue}} \times \frac{\begin{array}{l} \text{State average revenue} \\ \text{per weighted pupil} \end{array}}{\text{Local revenue per}} \\ \frac{\begin{array}{l} \text{State average equalized} \\ \text{school tax rate} \end{array}}{\text{State per capita income}} \times \frac{\begin{array}{l} \text{Local revenue per} \\ \text{weighted pupil} \end{array}}{\text{weighted pupil}} \\ \text{equals the equalization factor.}$$

III. Beginning with distribution for fiscal year 1992, in no case shall a district's equalization factor, as determined in paragraph II, be greater than 9.

IV. For the purposes of calculating aid to cooperative school districts, each pre-existing district shall have its equalization factor, as determined in paragraph II, calculated separately. In calculating that equalization factor, the weighted pupils in vocational education in cooperative school districts and the weighted pupils in special education in cooperative school districts shall be apportioned to each pre-existing district in direct proportion to the pre-existing district's share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district.

V. A district percentage shall be determined for each school district by the following formula:

$$\text{District Percentage} = \frac{\text{Equalization factor as determined by paragraph II}}{\text{State average revenue per weighted pupil}} \times .08$$

VI. State aid to guarantee educational adequacy for each school district shall be calculated as follows:

$$\text{State Aid to Guarantee Educational Adequacy} = \text{District Percentage} \times \text{Local education program cost per fiscal year}$$

VII. For the purposes of distributing state aid to guarantee educational adequacy, a cooperative school district shall be entitled to the total amount of aid to which the pupils attending the cooperative district

would have entitled the pre-existing districts, had they remained in the pre-existing districts. Each such pre-existing district shall have its state aid to guarantee educational adequacy credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more pre-existing districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district.

198:59 Adjustment Constant. If the total of the funds computed initially to be distributed in accordance with RSA 198:58 does not match the total of the funds appropriated for distribution under RSA 198:58, then the department of education shall determine the constant to be subtracted from each district's percentage as calculated in RSA 198:58, V; however, in no case shall a district percentage be less than zero. This constant shall assure that the funds computed for distribution equal the funds appropriated for distribution.

198:60 Administration.

I. State aid to guarantee educational adequacy shall be paid to the school district legally responsible for the education of the pupils who attend approved public schools within the district or in other districts, as the case may be. Payment of state aid to guarantee educational adequacy shall be made during the state fiscal year for which such aid is due.

II. State aid to guarantee educational adequacy shall be distributed in 3 approximately equal payments per year. The sweepstakes portion of state aid to guarantee educational adequacy payments shall each be based on sweepstakes revenues earned 2 payment periods previous to the period of distribution. Third period distribution of sweepstakes revenues shall therefore represent revenues earned in the first period and calculated in the second period. The first payment of state aid to guarantee educational adequacy, to be made during the month of September, shall be approximately $\frac{1}{3}$ of the total annual payment, plus or minus any adjustment required from a prior distribution based on sweepstakes revenues exceeding amounts estimated during the prior period of calculation. The other 2 payments, to be made during the months of January and April, shall make adjustment for any overpayment or underpayment made in the September payment. Such adjustments shall be calculated based upon any sweepstakes revenues earned during the period of calculation in excess of estimated revenues. In no event shall such distribution of sweepstakes revenues be made which amounts to less than the amount appropriated for the purpose of funding state aid to guarantee educational adequacy in the operating budget for the fiscal year.

198:61 Time of Computation of State Aid to Guarantee Educational Adequacy. Before April 1 of each year all school districts shall submit to the commissioner of education the average daily resident membership of that district for the school year which ended in the preceding July. The resident membership information shall categorize each of the pupils into one of the classifications in RSA 198:57, IX. Before October 1 the department of education shall estimate the amount of state aid to guarantee educational adequacy which each school district shall receive for the fiscal year which begins the following July 1. The department of education shall notify the school districts of the estimated amount of state aid to guarantee educational adequacy to which they are entitled for the following fiscal year by November 1.

198:62 Authority of Department of Education. The department of education shall have the following duties:

I. To calculate the state average equalized valuation per weighted pupil.

II. To calculate the local equalized valuation per weighted pupil.

III. To calculate the state average revenue per weighted pupil.

IV. To calculate the local revenue per weighted pupil.

V. To calculate the local equalized school tax rate, based on the assessment as determined by the department of revenue administration.

VI. To calculate the state average equalized school tax rate, based on the assessment as determined by the department of revenue administration.

VII. To determine the local education program cost.

VIII. To calculate the equalization factor as determined by RSA 198:58, II.

IX. To calculate the state aid to guarantee educational adequacy for each district as determined by RSA 198:58, VI.

X. To determine the constant to meet the appropriations as directed in RSA 198:59.

State Alternative Aid to Guarantee Educational Adequacy

198:63 Statement of Policy. It is hereby declared to be the policy of the state of New Hampshire to share in the costs of public elementary and high school education in order to assist the more needy school districts in providing an adequate educational program.

198:64 Definitions. In this subdivision:

I. "Local equalized valuation per weighted pupil" means the total equalized valuation within the school district divided by the current number of weighted pupils within the school district, as calculated by the department of education.

II. "Local equalized school tax rate" means the local equalized school tax rate, as calculated by the department of education.

III. "Local harmonic estimate of fiscal capacity" means the quotient of the number 2 divided by the sum of the multiplicative inverse of the local tax estimate of fiscal capacity added to the multiplicative inverse of the local income estimate of fiscal capacity, as calculated by the department of education.

IV. "Local income effort" means the local revenue per weighted pupil divided by the local per capita income, as calculated by the department of education.

V. "Local income estimate of fiscal capacity" means the local per capita income multiplied by the state average income effort, as calculated by the department of education.

VI. "Local per capita income" means the per capita income of the municipality whose boundaries correspond with those of the school district, as that income is determined by the department of revenue administration from the most recently available data.

VII. "Local revenue per weighted pupil" means the product of the local equalized school tax rate multiplied by the local equalized valuation per weighted pupil, as calculated by the department of education.

VIII. "Local summary estimate of fiscal capacity" means, for a school district, the local harmonic estimate of fiscal capacity, as calculated by the department of education.

IX. "Local tax estimate of fiscal capacity" means the local equalized valuation per weighted pupil multiplied by the state average equalized school tax rate, as calculated by the department of education.

X. "State average equalized school tax rate" means the sum of the products of the local equalized school tax rate multiplied by the local

number of weighted pupils, which sum is then divided by the total number of weighted pupils within the state, as calculated by the department of education.

XI. "State average income effort" means the sum of the products of the local income effort multiplied by the local number of weighted pupils, which sum is then divided by the total number of weighted pupils within the state, as calculated by the department of education.

XII. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received. The weights assigned to a high school pupil and to a high school pupil enrolled in a state approved vocational program reflect the differences in educational costs between these classifications when compared to the average current operating expenditure to educate a resident elementary pupil. The weights assigned to an educationally disabled child reflect the differences in education costs among the classifications of educationally disabled children when compared to the average current operating expenditure to educate a resident pupil in grades kindergarten through 12 who is not educationally disabled and not a high school pupil enrolled in a state approved vocational program. The following classifications of pupils shall carry the following weights:

(a) An elementary pupil, not educationally disabled as defined in RSA 186-C:2, I, which shall include kindergarten pupils, 1.0.

(b) A high school pupil, not educationally disabled as defined in RSA 186-C:2, I and not enrolled in a state-approved vocational program, 1.21.

(c) A high school pupil enrolled in a state-approved vocational program, 2.01.

(d) An educationally disabled child as defined in RSA 186-C:2, I, in one of the following types of programs:

(1) In-district, placed within a self-contained special education classroom, 2.57.

(2) In-district, without placement in a self-contained special education classroom, 2.12.

(3) An out-of-district day placement, 7.08.

(4) A residential placement, 8.72.

(5) A pre-school day placement, 3.37.

198:65 State Alternative Aid to Guarantee Educational Adequacy; Calculation; Distribution.

I. The total number of weighted pupils for a school district shall be calculated by first multiplying the number of resident pupils in each of the classifications listed in RSA 198:64, XII by the weight factor for that classification in order to determine the number of weighted pupils in each classification. The numbers of weighted pupils in each of the classifications are then added together to determine the total number of weighted pupils for the school district.

II. For the purpose of calculating aid to cooperative school districts, each pre-existing school district shall have its local summary estimate of the fiscal capacity calculated separately. In calculating the local summary estimate of fiscal capacity, the weighted pupils in vocational education in cooperative school districts and the weighted pupils in special education in cooperative school districts, shall be apportioned to each pre-existing district in direct proportion to the pre-existing district's share of the cooperative school district budget. However, cooperative school districts formed by 2 or more preexisting districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district.

III. Each school district whose local summary estimate of fiscal capacity is less than the foundation amount shall receive state alternative aid to guarantee educational adequacy equal to the product of the district's total number of weighted pupils multiplied by the difference between the foundation amount and the district's summary estimate of fiscal capacity.

IV. The state alternative aid to guarantee educational adequacy shall be \$5,373.87 per weighted pupil.

V. For the purposes of distributing state alternative aid to guarantee educational adequacy to a district, a cooperative school district shall be entitled to the total amount of aid to which the pupils attending the cooperative district would have entitled the preexisting districts, had they remained in the preexisting districts. Each such preexisting district shall have its state alternative aid to guarantee educational adequacy credited against its share of the cooperative school district budget. However, cooperative school districts formed by 2 or more preexisting districts whose boundaries approximate those of a single township in which they are located shall be treated as a single school district.

198:66 Time of Computation of State Alternative Aid to Guarantee Educational Adequacy. Before April 1 of each year all school districts shall submit to the commissioner of education the average daily resident membership of that district for the school year which ended in the preceding July. The resident membership information shall categorize each of the pupils into one of the classifications in RSA 198:64, XII. Before October 1 the department of education shall estimate the amount of state aid to guarantee educational adequacy which each school district shall receive for the fiscal year which begins the following July 1. The department of education shall notify the school districts of the estimated amount of state aid to guarantee educational adequacy to which they are entitled for the following fiscal year by November 1.

7 Education Property Tax; Uniform Rate Adjusted. Amend RSA 76:3 to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate of [~~\$6.60~~] **\$6.10** on each \$1000 of the value of taxable property is hereby imposed on all persons and property taxable pursuant to RSA 72 and RSA 73, except property subject to tax under RSA 82 and RSA 83-F.

8 Appropriation. The sum of \$200,000,000 is hereby appropriated, for each of the fiscal years ending June 30, 2002 and June 30, 2003, from the education trust fund established under RSA 198:39, to the department of education for the purpose of funding the distributions required by RSA 198:58 and RSA 198:65 as inserted by section 6 of this act.

9 Repeal. The following are repealed:

I. RSA 86, relative to the taxation of legacies and successions.

II. RSA 198:56 through 198:66, relative to state aid to guarantee educational adequacy.

10 Effective Date.

I. Section 9, paragraph II of this act shall take effect January 2, 2003.

II. The remainder of this act shall take effect July 1, 2001.

2000-4571s

AMENDED ANALYSIS

This bill:

I. Repeals the taxation of legacies and successions effective July 1, 2001.

II. Establishes a 2-tiered public school financing system comprised of (a) the existing state aid for educational adequacy (renamed "baseline

assistance for educational adequacy”) and (b) state aid/alternative state aid to guarantee educational adequacy which are based on the previous foundation aid and alternative aid formulas for determining state aid to education.

III. Modifies the formula for determining baseline assistance for educational adequacy.

IV. Reduces the education property tax rate from \$6.60 to \$6.10 on each \$1,000 of the value of taxable property.

V. Makes an appropriation of \$200,000,000 from the education trust fund for each of the fiscal years ending June 30, 2002 and June 30, 2003, to the department of education for the purpose of funding the distributions required by RSA 198:58 and RSA 198:65, as inserted by this bill.

VI. Establishes a prospective repeal date of January 2, 2003 for the 2-tiered public school financing system created in this bill.

SENATOR F. KING: I want to start by saying that I do have an agenda. I would like that to be known. My agenda is to see if we can't find a way to keep this state from going bankrupt. I have been deliberating as Mr. Nader said. I have been doing that, and I have been doing it a lot in the last couple of days and I have done it a lot since January. Matter of fact, I know that you are sick of hearing me, but you will have to forgive me for just a few more moments. This is the bill, with a couple of exceptions, that is over at the Supreme Court for an advisory opinion. When that was sent over there, the Senate was very, very generous, they sent it over without even looking at the numbers. I certainly appreciate that. But something happened in the last few days and that was that it became very obvious that in January, this legislature, is going to be faced with probably only one choice when it comes to raising money. That is to impose an extremely, an extreme increase in the statewide property tax. The issue of how the legislature, in January, those of you who are coming back and those who will be sitting in the seats that are going to be empty, including this one here, are going to be faced with a very difficult situation. There may be an income tax passed, there may be a sales tax passed, but before those taxes can start to generate revenue, many months are going to go by. In the meantime, the budget deficit will have to be dealt with. We will be very fortunate if we get to January without a change in our bond rating. The handouts that I have given you. This one is similar to the one that you had early this morning. Nothing in this bill changes 2000 or 2001. The school year that will go into effect the first of July, the money flows as we planned it in the legislation passed. This deals strictly with the fiscal years that start July of 2002 and 2003. This bill will sunset on the exact same date as HB 117 and HB 999 do. So the legislature will still have to come back and make all of those decisions all over again as to how education is going to be funded. What this bill will do if we get the opinion from the justices, and I think that there is reason to believe that could happen, it would allow the legislature the flexibility that it needs to deal with the education issue. It will tell the legislature, “if you do want to send money back to those towns that have the greatest needs, you will be able to do that.” It will tell the legislature, “if you want to have a grant to the donor towns...if you are going to have a statewide property tax, to relieve them of that impact, you will be able to do that.” It will take the place of the present court decision that we have that everybody is having so much trouble with. So what happens...if you assume that \$955 million is the amount of money that is going to be needed, and that is not my number, that is the number that the LBA came up with by simply taking that \$391 or \$396 mil-

lion deficit at the next of the next biennium and backing into the statewide property tax in order to fix it. That is where the number came from. When you do that, and then compare it with the current law and compare it with SB 462 as it is crafted, you will begin to see a change for the towns. Not all towns do as well, none of the towns do as well as they are doing now, but many of the towns do better than they are going to be at \$9.55, and those towns that don't do quite as well, are very close. So it levels out the playing field. It certainly recognizes the plaintiff towns and gives them more money. The total amount of money that is generated by the \$6.60 tax rate is \$382 million. The total grant is \$382 million, the total grant is \$248 million at \$955 million, because what happens, as the statewide property tax goes up, the grants to the towns go down, because the amount of money that is needed to fund the grants stays relatively constant. As the property tax collected goes up, the entitlement, the grant entitlement is smaller. So that is what happens. The statewide property tax works in reverse of what you think that it would do. I wish that I could tell you that when you look at the large sheet, that there won't be a deficit, but I can't tell you that. It just doesn't work out that way. I can tell you that it is \$250 million less than it will be if we do nothing. This does repeal the legacy tax. The legacy tax does go away. It is next to the two bottom lines. There is good news, as I said this morning. This formula calculates in the increase in the property values, which you will be able to pick up in 2002 and 2003. That helps raise more property taxes. This doesn't fix the problem, but it makes the problem a lot easier to deal with. The problem that we have now, I think, is almost insurmountable. I think that this will make it easier for the legislature in January, to deal with this issue. I continue to believe that this legislature that is in session now, as a legislature that has the obligation to try and fix this. I think that to defer these decisions to the future is the wrong thing to do. I would like to see us not have to do that. Each of you will have to look at your own communities and make your own judgement, just like I have done, but I would tell you that I believe that this is a good interim solution to the problem that we have. We now know what the problem is. There is no question that this state is in serious, serious trouble. I feel compelled, as long as I am here, and continue doing what I have been doing for the last few months, and years, I guess, I feel compelled to try and do something about it. I would ask for your support for this amendment. I will tell you that we have had conversations with the Speaker, and the Speaker seems to be receptive to accepting this bill and trying to work with it, because I think that it works for a lot of the communities in this state. It does take some of the pressure off of the future legislators. I would be glad to answer any questions, but I would ask for your support.

SENATOR KRUEGER: Senator King, you may correct me anywhere along the line of this involved question. If current law were to continue, the second column on the sheet of numbers, would in fact, ensue, and that following that very closely, would be the fact that as the statewide property tax went up in value, so to would the amount of money coming back to those towns decrease? I know that that is what you have told me, and I would like you to possibly explain that maybe a little bit more to members of this body who may not have caught that on the fly the first time. I think that it is a difficult concept.

SENATOR F. KING: Let me tell you, when it was first explained to me, I just couldn't make it fathom that that was what was happening. But

when I talked to people, other persons who spent a lot of time with numbers, they said "yes" that is what happens. The roller numbers here, in the middle, that is a chart that was done by Lisa Shapiro. You can judge whether she...I have other people that have asked to have it explain. Mike Buckley understands it. What happens is, the amount of adequacy stays relatively constant. It goes from 8-1/4 and goes up very little. As you raise the property taxes, the more taxes are generated, but the town still only needs to spend the amount of...it only gets the adequate amount of money. So the difference shrinks. So that there is less money needed from the state to fill the hole because you are raising more money locally, and that is what causes it.

SENATOR KRUEGER: So, therefore, what you are saying again, is that the higher the rate of the statewide property tax, ultimately, the less money that the cities and towns will garner from a grant? Is that correct.

SENATOR F. KING: Look at the chart. The one that I like to look at quickly is Salem. For obvious reasons. Salem gets \$2.6 million under the present formula. If the statewide property tax were to go to \$9.55, Salem would become a donor town at \$2.3 million. Under this bill, they will get \$2.1 million. So they dropped some from the amount that they are getting now, but it is really a \$4 million swing between \$955 million and this bill. If you track any of the towns, that is the way that it works.

SENATOR KRUEGER: Senator King, could you please give an explanation as to why you believe the rate will inevitably change with the current law, from \$6.60 up to \$9.55?

SENATOR F. KING: Well if you accept the charts that we have been using all through this session, since April, as we have gone around the state. On the bottom line, of the one that was passed out this morning, the deficit is nearly \$400 million. When this was done, I think that we were using \$391 million as the deficit. You just simply back into a property tax rate from that number to see what it takes to get to zero. That is what it takes. It takes \$9.55. The thing about the...the real scary thing for some towns, particularly the donor towns probably, a lot of the donor towns, with an increase in the statewide property tax, is the fact that on average, the evaluations in property went up 9 percent this year. But they didn't go up 9 percent everywhere. They certainly didn't go up 9 percent in the rural areas in some of the more poor towns, which leads you to believe that they must have gone up more than 9 percent in some of the other towns. You know what the property values are going up in some of these real bedroom towns and some of these recreation towns. So what will happen is a town like Moultonborough, the biggest donor town in the state, they will go from donating \$4 million to donating \$7.1 million and probably they will go more than that because their total property value is going to be up and you are going to be applying the statewide property tax to get more money. They go down a little bit on their \$462, they are still a donor town, a substantial donor town, but they save a little bit. I think, ultimately, as you know, as I have said, and as Senator D'Allesandro, reminded me a while ago, that probably, ultimately, the statewide property tax won't work because it is going to grow and grow and grow. Right now, we are going from having...if you look at the last page of the chart that has the three columns on it, you will see that under the current law, we have 53 donor towns, donating, if you will, \$24 million. At \$9.55 we have 73 donor towns donating \$68 million. Under SB 462 there would be 37 donor towns only donating \$17

million. So it is not perfect, and there will never be a perfect solution, because every town is different. Every town's economic base is different. Every town's degree of poverty is different. But it is a lot more fair than what you have now. If it passes, it will give the legislature the ability to do things that they don't have now and won't have.

SENATOR MCCARLEY: Senator King, I was here for your entire speech, so I want you to know, unlike other Senators, I was prepared to listen and learn, but I have to tell, there is something that I am not getting. I do understand the statewide property tax numbers. I do understand what you have said about how you arrived at the \$9.55 and what that reflects, but here is where I am getting confused. I don't actually know what your bill does? I understand the scenario for the \$9.55 in those dollars. I don't know what SB 462 does. So maybe if I ask my two questions, it might get me to what it does? Again, I understand all three, but I don't know what the bill does. I am truly not trying to be difficult, but if the bill does what I think that it does, then I think that we need to talk about that part of it too. So that is why I need some clarification on.

SENATOR F. KING: I will start by saying that the \$750 million comes from two sources. It comes from \$550 million of adequacy money. A substantial reduction of adequacy. It also comes from \$200 million of alternative foundation aid money. So what happens is, if you turn to page four...this bill essentially, repeats the bill that is already law. It just restates all the way that the taxes are generated and all of the things that the DRA does are restated here.

SENATOR MCCARLEY: I have all of that.

SENATOR F. KING: So the first thing, instead of calling it "State Aid" we call it "Base line Assistance". The next clause is highlighted. There is a little change in the...and we have talked about 198:58, 198:65 because that is the alternative foundation aid statute that we are recapturing. You go to the next page, and this is a significant point. This is really where the adequacy number changes. You are using a different multiplier, which reduces the money. That is where the adequacy number goes south.

SENATOR MCCARLEY: So fundamentally, what we are doing here is, we are lowering the statewide property tax?

SENATOR F. KING: It goes to \$6.10 instead of \$6.60.

SENATOR MCCARLEY: And we are lowering the adequacy number by \$75 million per year. Throwing out a basis for how we reach the base cost number...and arbitrarily saying not only do we think that less than 10 percent might not be part of adequacy, but frankly, over 30 percent is not part of what is going to be spent for an adequate education, which is what the percent does, then reconfiguring and falling back on the old foundation aid formula to dispense \$200 million that we believe goes to our poorer communities?

SENATOR F. KING: Yes. The reason that I am comfortable doing that, 1) I feel that the adequacy number that is in the present legislation is going to be challenged in court. I don't think that anybody can tell me or anyone else that some \$3800 or \$4200 provides an adequate education. I think that it will be challenged. I shouldn't say that I don't believe that it will happen, but I think that it will be challenged. So I think that we have yet to go through that. But if this passes, it will negate the challenge. The legislature can go back and restate that. What this does is it allows money to flow through adequacy so that everybody gets some

money. It sends money back to the towns that I think have a need, a genuine need for it. The legislature can change that in the future. We could change it now, but this is the way it works. It doesn't affect anything...that is current. So in January, the legislature could immediately change those percentages if they wanted to. What it does, and as we discussed this morning, it is just the way that it works, because this is a very difficult process. We simply did not generate enough money to support the bill that we passed. That is why we have this problem, and then in addition to that, we have this unknown...with some of our revenues, which just makes it worse. Those are facts. This is not to say that... I am not saying that the way that this was done originally, wasn't right; although I feel strongly, that we have to find a way to send money to the towns with the greatest need, otherwise the quality of education is going to deteriorate in those towns while it gets better in the other towns, and the whole substance of the law suit has been turned upside down. I believe that. You may not agree with me.

SENATOR MCCARLEY: Would you believe, Senator King, that I accept all of what you have said. I find it extraordinary that we think that this degree of arbitrating this relative to the way that we are coming up with the base cost number, somehow or another, makes a constitutional challenge on that issue, less likely than our current situation, but, having said that, I appreciate you answering my questions. I think that I do understand what you have done.

SENATOR F. KING: The only way that I could answer that question is...and I try not to be cynical, as you know, although I have been given credit for being cynical. I guess I said that I am getting more cynical, but I don't think that I am quite all the way there yet. When you look at Claremont, which is a community that we are all familiar with. We see what this bill does for Claremont. Claremont is getting \$6.3 million in grant money now. Claremont will get \$5.8 million at \$9.55. They take a little shrink. Claremont gets \$8.5 million with this temporary bill. What are they going to tell their attorney? I think that they are going to say, wait until the legislature works more on this. That is what I hope.

SENATOR MCCARLEY: Senator King, if I could offer, in the "would you believe" notion...my only problem with what you just laid out is...that little column doesn't exist. That is a supposition. We could come back here in January and pass an income tax that Senator Below is fond of, and that entire middle column simply never has a life. So we are comparing numbers that I think are not good comparisons in terms of...I agree with you that targeting dollars and all of that...but I am just saying that this is tough with me, on sort of a logic basis to do these number comparisons.

SENATOR F. KING: As much as it troubles me to disagree with you, I believe that the legislature will have no choice but to pass a huge state-wide property tax. That is the only place that they can generate the kind of money that is going to be necessary to fill that gap. That is a fact. There is nothing else that does it. Cigarette tax doesn't fill it. None of the things do it. That is the source of revenue that we are going to need to do, just for that two-year period or maybe a year and half period. Whenever they can get the income tax up and running. We have talked about it, the way that the income tax years are going to run April to April probably. The very earliest that you can get your first check in if the legislature got the laws all passed before the April 1 of their first years business, which is highly unlikely, would be the next April, before the first money would flow to the

state. So you have got to plug the hole with the statewide property tax, and a big one, and there is no choice, in my opinion. And, of opinions of others who have looked at it, other than me. Then long-range, sure. Then the income tax works and works going forward I am sure. And then the statewide property tax can go way, which I think, is the ultimate challenge. That is what I think should happen.

SENATOR MCCARLEY: I guess, would you believe, Senator King, that while I totally understand that, I also believe that while we may be in a situation in terms of having to be very creative, with issues with the state treasurer, in terms of bonding and dollars, that if there is a solid revenue in place, that I think that we don't necessarily have to view the \$9.55 number?

SENATOR F. KING: There is no solid revenue source in place. That is the point.

SENATOR SQUIRES: Madame President, this bill has shown the spot light on the problem, in a sense. I feel so vehemently about the negative aspects of the statewide property tax because what it is doing is pitting towns against towns. It is very difficult for me because the biggest loser here is Nashua. Nashua loses a phenomenal amount of money. So the additional funds that are flowing to the towns, with admitted needs, that is where it is coming from. There isn't another entity here that is even close, even though our neighbor to the North goes down three, we go down 11. The budget for the city of Nashua has almost been built for the next year. That is just the way that the formula goes. It wasn't designed by Senator King, it has to do with the way that we raise and distribute the money. The second part that is troubling here is the fact that we are going back on our pledge of 825. We have failed. We made a promise and we did not keep it. The difficult part is that...for me, is that Senator King said, "there is a hole here." There is a big hole. If you look at, and I agree with him, the only way to plug it...and if we were really honest, we would raise the statewide property tax right now, and then we would at least get ahead of it, but that is not going to happen, so another six months will pass and then you will see this phenomenal increase because there is no other source. So I am in a dilemma of trying to think about this issue which is bad for my community, but in another sense, good for the state. So in what position do I stand here? I think that in this case, sadly, there is no other alternative for me but to support the interest of the state. We cannot allow the scenario to develop. That is not a position that anyone would aspire to. It has been created by the property tax and that is going to happen over and over and over again. But I looked at these numbers today, this morning, and this \$92 million deficit, I can't go home and think that this is going to sit there and we haven't tried to deal with it. So I am grateful to Senator King for illuminating the process. I am glad that he has taught us something, particular in this formula, that as you begin to increase the property tax, the grants diminish, as you can clearly see that in Nashua. But in the interest of all, 1.3 million of us, I think that we have to do this and not allow this scenario to develop that is so vividly portrayed on these spreadsheets. Thank you.

SENATOR F. KING: Senator Squires, do you understand that the Nashua budget...are they on a fiscal calendar year?

SENATOR SQUIRES: **TAPE INAUDIBLE.**

SENATOR F. KING: So this bill does not impact the budget that they now will be putting into affect for July 1 of this year. The money will flow

to them...the \$26 million will flow to them because it is part of the \$98 million deficit. It is the budget that they will be starting to work on the same time that the state starts to work on their budget, so it is conceivable that the legislature could deal with that issue. Regardless of what we do here, in my opinion, if you use the statewide property tax, the way that it works, Nashua takes a big hit in the next budget if that is what **TAPE CHANGE**

SENATOR SQUIRES: TAPE CHANGE and he is working on his budget starting on January 1, 2001. What I had to tell him was if you look on page four, currently Nashua receives \$25,459,000. If the statewide property tax goes up, Nashua will receive \$16, 927,000. Under this bill, they will receive \$14,198,000. That is only for half a year because this bill wouldn't take effect until July, so you have to have those deficits; nevertheless, those are substantial decreases in a budget that he is now building, based on the current assumptions. But, yes, I do understand about the time. I explained it to him, but he is working on his January 1 to December 31, 2001 budget.

SENATOR PIGNATELLI: I look at the same numbers that Senator Squires looks at, we represent Nashua. I say to myself, there is no way that I can vote for this amendment. I would have my head handed to me, and rightly so, by the residents of Nashua. I have tried, ever since I have come to this Senate, to get this crazy Augenblick Formula to be fully funded at first, then to be fairly funded. Finally, last year, with the Supreme Court's decision, Nashua is finally, after 12 years, getting its fair share. It's fair share. Not more than its fair share, but its fair share of education funding. The Supreme Court in their decision, said that the state has an obligation to fund an adequate education. We struggled hard in this body to come up with \$4100 for an adequate education. I was assured that Nashua, then, would be getting \$4100. Every child in the state would be getting \$4100 for their adequate education. If the school district decided to spend more than that, fine. If not, at least they would have the money for their adequate education. Now I find that we have this weasel move coming, at the last minute, so that instead of funding our obligation at \$825 million, which I thought was too low to begin with, we are now going to somewhat less than that and going back to the Augenblick Formula, which didn't treat a lot of communities fairly, and sending back \$200 million to the Augenblick Formula. In no way can I vote for this. Thank you.

SENATOR F. KING: Senator Pignatelli, would you believe that when you voted for the legislation that passed, that you helped create this weasel movement? That vote helped set that process in place has resulted in a huge statewide property tax, which is going to deny Nashua the money anyway, unless you find a way to fund it some of the way. You won't have a chance to do anything about that until January because one of these days, we are going to be gone from here. So you can call it a weasel movement if you want, but we are all coconspirators, and you're one of them.

SENATOR PIGNATELLI: I don't believe that I am one of them. I believe that I voted for \$825 million to go out for an adequate education and that every child in this state would be getting \$4100 in their communities. And, if we wanted to send more money back, to help the more needy communities, that would be over and above the \$825 million.

SENATOR F. KING: But they didn't vote to fund it.

SENATOR PIGNATELLI: I voted to fund it, it didn't pass, but I voted to fund it.

SENATOR F. KING: Okay, we both did.

SENATOR PIGNATELLI: We both did.

SENATOR KRUEGER: Senator Pignatelli, I am trying to get clarity too. My question to you is, what will happen in Nashua, if in fact, in order to fund this, the rate does go up to \$9.55, and Nashua ultimately, gets less money...then the property taxes will have to go up to make up the deficit? That is my only question with this.

SENATOR PIGNATELLI: I believe that we made a mistake when we chose the property tax, the statewide property tax as the way to fund an adequate education; however, having made that choice, I believe that we have to put the statewide property tax at whatever rate it has to go to, to fund our obligation of an adequate education. I know that some communities will be hurt, and I think that it will help us move faster to a more fair system of paying for education in this state.

SENATOR KRUEGER: Just a follow up. That is what I anticipated that you would say. So, therefore; because I believe that you are right. I believe that the rate will have to increase to \$9.55 if not more, maybe a little bit less, depending on income. We have just heard today, for example, that income projections are under, so that may even be optimistic. But, if that is in fact the case, as you have just said, and it needs to go up, then Nashua, instead of receiving \$25.4 million, will only receive \$16.9 million when you raise the property tax. The higher that it goes, the less money that you get.

SENATOR PIGNATELLI: I believe that if you got the rate up high enough, you would have enough money to send \$4100 back to the communities. I don't buy into \$9.55 as having to be the rate, \$954, \$1072, \$1150. What I buy into is that we have obligated ourselves to fund this amount for an adequate education. We have chosen the statewide property tax to do it. Put it at whatever number it has to do so, so that our communities get \$4100 back per child. Then if we want to send more money back to the more needy communities, we will figure out a way to do that.

SENATOR KRUEGER: I agree with you again. So then my last question to you would be, if I suspect if this chart were allowed to project out to \$12, \$14, \$16, \$18, \$20, \$30, \$40, do you realize, Senator Pignatelli, that Nashua will get less money because the grant from the state goes down because the rate has been increased? That is a very...I think that is a difficult concept for me to have gotten. I understand that it was very difficult for Senator King to get, because it doesn't matter if that adequacy number is in fact, that \$4100, you then have raised that in the city of Nashua with the higher statewide property tax; therefore, you need less. So that was my question.

SENATOR PIGNATELLI: And if we spent the \$200 million that goes out through the Augenblick, through the \$4100 formula, we probably wouldn't need to raise the statewide property tax much more. I am not voting for anything that has to do with going back to that awful Augenblick Formula.

SENATOR COHEN: Senator King, I guess my concern is...my question is, I think that the income tax, for my district, is the way to save taxpayers money, in the long run. My question is, do you think that passage of this amendment, could lock-in the statewide property tax as a

formula, and keep it that way, and make it more acceptable for the long term, rather than just being a short term, interim measure. With this way, make it more acceptable. What we need is an income tax.

SENATOR F. KING: I think that when you go to 73 donor towns, I think that you are going to have a lot less happy people with a statewide property tax. I think that if you are going to continue to try and fund education, and going to probably well in excess of \$1 billion worth of statewide property tax, it is going to become more and more unpopular. Because now we know as it goes up, towns have been getting a lot of money, like Nashua, get less. They will be unhappy. Portsmouth will go from donating \$557,000 to donating \$4.9 million. They are not going to be very happy either. I think that this will force a change in the statewide property tax eventually.

SENATOR COHEN: If I have it correct, you are talking about if we don't pass this amendment, then that will be Portsmouth hit? Correct?

SENATOR F. KING: Right.

SENATOR COHEN: If we do pass this, they will have less of a hit than they would otherwise face. And doesn't that, in doing so, kind of make the statewide property tax more acceptable and less likely to be overthrown?

SENATOR F. KING: I guess we have to have faith in the future legislature to do the right thing. They are going to come back in January. You are going to be here, presumably. Everything stops on January 3, 2003 just like the present legislation stops on January 3, 2003. There is going to be House and Senate hearings and Committee of Conference hearings and that is how the process is going to be dealt with. All this does is get you to live that long. The state has to live until the legislature fixes it. That is all that this does. I don't sense that...I don't know what will happen, actually. I don't know. I know that there are two choices to fund education at the amount that we are funding it, an income tax or a statewide property tax. There are no other alternatives. Those are the two choices. That I know.

SENATOR DISNARD: I have to say, would you believe, Senator King, that I admire what you have done? I understand the deficit. My only concern is that I wish that there was another vehicle to attach this too, because I am afraid that we might lose the legacy tax? I am in a quandary. I know what you are doing. I like what you are doing.

SENATOR F. KING: Well the legacy tax is in here because I think that is something that we all want to get rid of. If were to take the legacy tax out, the bottom line deficit would go down, but I think that we can pass the legacy tax and still live with this deficit. So I believe that the House already passed the legacy tax. If this goes to the House, I believe that they will leave the legacy tax in because I think that is a popular thing to do. That is what I believe.

SENATOR LARSEN: I think that we all agree that we have to fix this one way or the other. I think that we are making a mistake to try and fix it at the tail end of the last day. We had a promise with the people of this state, people set budgets, towns and cities set budgets, had an expectation, passed laws, passed ordinances, passed budgets that were in expectation that their grant monies would be coming in. I realize that we have moved it out into the next biennium, which we like to do; however, I want to just point out an instance in Concord's case. Concord loses

\$2 million under this targeted approach. That loss of \$2 million will cause severe hardship to the schools in Concord because Concord passed a salary increase to its teachers, which had fallen behind the statewide average. They passed that salary increase based on an understanding that the state would keep its promise. I don't recall the exact amount, but I believe that it was in the vicinity of \$2 million. You are going to cause cuts to the program...you can't rescind peoples salary increases, so you are going to have cuts in programming, text books or whatever are the regular offerings of a school district when you do this. Now I understand that you believe that we are on a railroad to a \$9.55 statewide property tax, but I believe that there are other options. I also believe that you set up an adequacy commission that some of us serve on every Friday morning for three hours, where we are looking at targeting these monies. It may be the right concept. Certainly we agree that in the long run, that might be the approach to take, but it is premature. It knocks a lot of school districts off balance. They don't know what to expect, and yet they have caused budget increases, based on an expectation that the state is going to fulfill its promises, its obligations through the Claremont Lawsuit to fulfill and education for the children of this state. I think that it is a valiant effort. I think it is way too late. I think that we need to work on it with the time that we have. I think that it would be a real mistake to pass it today.

SENATOR F. KING: Senator Larsen, would you believe that I did not create \$9.55? That was created by the Legislative Budget Assistant's Office? That is not my number, that is their number. Do you believe that...would you believe, that if that assumption is correct, then Concord, when they go to \$9.55, they are going to lose their money anyway? That is what is going to happen. Now if somehow your Adequacy Commission, between now and January, can come up with a funding source that would solve this problem, then maybe in January you can put that in and solve this problem. I don't believe that you can do that. I don't believe that this legislature will work fast enough, have enough debates, go through the process and talk about an income tax and a sales tax. I don't believe that will happen. It has never happened while I have been here. We never get a budget until April. So would you believe that regardless of what you do, Concord's money is going to go down...not in this biennium, not this budget year, but in the next budget year your money is going down to Concord? There is no question about it.

SENATOR LARSEN: Would you believe that I think that there is one other option, which is to pass a source of revenue quickly enough in the next session to avoid the \$9.55 tax increase?

SENATOR F. KING: I wonder if the good Senator would share that with me?

SENATOR LARSEN: I think that we all know the options that it is going to require the legislature next session to be ready to move quickly. Some of us have been through it enough times...

SENATOR F. KING: What is the option? I would like to know what the option is?

SENATOR LARSEN: We voted for an income tax every time.

SENATOR F. KING: Senator Larsen, how can you generate an income tax revenue fast enough? I mean you can borrow...

SENATOR LARSEN: You can borrow.

SENATOR F. KING: If you want to borrow...if you want to have the state go into a situation where we borrow tax anticipation tax, just like the towns do. Yes, if that is what you want to do, yes, you can do that.

SENATOR LARSEN: Yes, and that is certainly an option that we have.

SENATOR F. KING: We could bond more too, I suppose.

SENATOR BELOW: Just to speak to that question. As the members may remember, when we discussed an income tax, it is possible, for instance, if the legislature, next year, passed an income tax by June of next year, the end of the legislative session, it could go into place starting January 1, 2002 and produce revenues starting on February 15 of 2002 from a withholding tax which produces five months of revenue in the first year of the next biennium. So in that sense, it could...just doing a quick calculation, that could be up to \$400 million that could contribute to the first year of the next biennium budget and then allow the statewide property tax to be repealed or reduced. But it is not necessarily true that the statewide property tax would have to go up in order to stick with the current distribution formula.

SENATOR MCCARLEY: I will be very brief. I asked Senator King the questions earlier because I needed to understand what the legislation would do. That sort of thing, I think, is important. I now understand that this is basically, the legislation...and Senator King...and I don't feel that it is last minute because Senator King has given this to us twice before, at least, in the last 12 months. It is slightly different, but conceptually, it is very much what he has discussed with us in the past. I guess I can't support it today. I think that it is partly because I think that it is premature. I don't give up easily. But I also say to myself in terms of the fact, that the bill that it is now tied too, a bill that I have had to vote no on, I can't vote yes for that part of it either because it doesn't solve that issue. Maybe it shrinks it a little bit, but I still see us at the end of three years at \$153 million. So we are...I just don't feel like we are...this is actually going to move us forward. So I will, unfortunately, have to be voting no, once again, to not repeal a tax that I would like to see us repeal, but I don't see this solving that part of it either. Thank you.

SENATOR GORDON: Senator King, as you know I have 32 towns in my district. I just went through the towns and about 18 of them don't do quite as well, and about 14 do better, so I am in the usual spot.

SENATOR F. KING: Welcome to the club.

SENATOR GORDON: So I am trying to figure out what I need to do here. I think that one of the questions that I have, and I would ask you the question rather than give you my "I told you so" speech. The question is, how is this going to affect those 18 towns when...have they built up an expectation that they are going to have a certain amount of money, and by my voting in favor of this today, are those school districts, in those communities, going to find themselves in a situation where they may be raising more taxes and that they are going to be disappointed with me as their representative for not having voted to meet their expectations?

SENATOR F. KING: I think that you know your towns better than I do, so I would say that you have a problem, just like I have a problem with the towns that I represent. The same thing is going to happen to some of my towns. You know, we come down here to represent our communities, but we also have a strong obligation to the fiscal integrity of this state, and that is what we are talking about. That is my goal. That is my agenda. My agenda is not getting reelected, my agenda is fixing the problem that is here. Maybe I am in a different position because I am

not running for anything, but I feel so strongly that the state...that we have to deal with the state's financial situation. I believe that in January, this does not affect their money in the next year, so you will have six months in January to fix the problem before they are impacted.

SENATOR GORDON: My concern, Senator King, is that I am concerned about creating this moving target, which this has been for the last two years as you know, in regard to what the communities might expect. Now we just went through a round in my district, I am sure that you have probably done it in your district, of going around to the communities and explaining this plan, and how they are going to be affected by it. I guess that I am a little bit concerned that having created the expectation and having just explained it, we are now going to create another target for them. I guess that I would ask whether or not you feel that is a concern as well?

SENATOR F. KING: I will tell you what I did with my communities. The five nights that I was on vacation, I went to my communities and told them what the problem was and I told them that shouldn't be expecting to get money from the state because the state hadn't funded their problem. That is what I told my communities. I don't know what you told yours.

SENATOR GORDON: Thank you.

SENATOR COHEN: Senator King, if this is not done today, if this is not voted for, if we don't find a solution soon, within the next year or so, couldn't we revisit this and deal with this next year?

SENATOR F. KING: Senator Cohen, you can do anything you want to next year.

Recess.

Out of Recess.

A roll call was requested by Senator Gordon.

Seconded by Senator Pignatelli.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Roberge, Eaton, Squires, Francoeur, Krueger, Russman, Klemm.

The following Senators voted No: Below, McCarley, Trombly, Disnard, Pignatelli, Larsen, Brown, J. King, D'Allesandro, Wheeler, Cohen.

Yeas: 11 - Nays: 11

Floor amendment failed.

Question is on the motion of ordering to third reading.

A roll call was requested by Senator Trombly.

Seconded by Senator McCarley.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, Trombly, Disnard, Roberge, Eaton, Squires, Pignatelli, Francoeur, Krueger, Brown, Russman, Wheeler, Hollingworth, Cohen.

The following Senators voted No: McCarley, Larsen, J. King, D'Allesandro, Klemm.

Yeas: 18 - Nays: 5

Adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Squires moved to have **HB 628**, relative to the relocation of the principal residence of a child, taken off the table.

Adopted.

HB 628, relative to the relocation of the principal residence of a child. Senator Squires offered a floor amendment.

May 18, 2000

2000-4606s

04/10

Floor Amendment to HB 628

Amend the title of the bill by replacing it with the following:

AN ACT relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Relocation of the Principal Residence of a Minor Child. Amend RSA 458:17 by inserting after paragraph VI the following new paragraph:

VI-a.(a) In cases involving one or more minor children, the final decree of divorce shall address the subject of the possible future relocation of the principal residence of such minor children.

(b) No permanent stipulation shall be approved unless it addresses the subject of the possible future relocation of the principal residence of any minor children involved.

(c) The court may approve the relocation of the principal residence of a minor child if the court determines that such relocation would be in the best interest of such minor child or children. In making its determination, the court shall consider the following factors:

(1) The age of each child involved.

(2) The developmental maturity and needs of each child.

(3) The possible impact that relocation may have on the physical, educational, emotional, and developmental well-being of the child or children, taking into consideration the nature of the relationship of the child to each parent and any special needs that the child may have.

(4) Actual visitation and custodial schedules.

(5) Founded cases of child abuse or domestic violence as defined in RSA 169-C or RSA 173-C.

(6) The child's contact with the community.

(d) Any agreement or final order in any matter involving the custody or visitation of a minor child which prevents a parent from relocating shall be void and unenforceable as to that provision.

2 Regional Youth Center Pilot Program Established; Purpose.

I. A regional youth center pilot program for the placement of certain juveniles is hereby established in a location situated within Hillsborough county and in a location situated within the northern 4 counties (hereinafter referred to as the "pilot locations"), which may include the construction of new regional youth center facilities in Hillsborough county, and in a location chosen through a public selection process which is centrally situated, based upon geography and population, so as to be able to serve

Coos, Grafton, Carroll, and Belknap counties, each with an initial capacity of 25 residential beds and the capacity to increase to not more than 50 beds.

II. The intent of the legislature is to encourage and enable the establishment of community-based regional youth centers for the provision of residential and non-residential services for juveniles involved in the juvenile justice system. Local providers, members of the public, the counties, and the state shall work together to provide an appropriate response to those juveniles determined to need a variety of programs and services that can be provided in a staff-secure setting. No similar facility currently exists within this state to provide short-term comprehensive community-based services for such juveniles, and the regional youth center pilot program is intended to be a model for other community-oriented juvenile facilities throughout this state in the future.

III. The purpose of the pilot program is to provide community-based services, including short-term residential services, for juveniles. The goal of this act is to encourage, in the context of the community, the wholesome moral, mental, emotional, and physical development of juveniles, including but not limited to those between the ages of 12 and 16, who are delinquent, in need of services, truant, runaway, or otherwise wayward, in order to assist the child in becoming a responsible and productive member of society. In order to accomplish this goal, community service providers in the two identified areas have agreed to provide education, treatment, care, guidance, and counseling for juveniles at a regional youth center.

3 Regional Youth Center Board; Membership.

I. A regional youth center board shall be established for the purpose of administering each of the regional youth center pilot locations. The members of the board shall be selected by a working group of local agencies currently meeting on a regular basis on issues or similar issues relating to this pilot program. For the Hillsborough county location, the board shall consist of residents of Hillsborough county, including public members. For the pilot location in the 4 northern counties, the board shall consist of residents of communities within those counties, including public members. The commissioners of the departments of youth development services, and health and human services, or their designees, shall also be members of the board. Any decision regarding the site of each pilot location shall only be made with input from neighbors of the proposed facility.

II. Board members shall be appointed and hold their initial meeting within 60 days of the effective date of this paragraph. At this initial meeting officers, including a chairperson and secretary, shall be elected and rules of procedure shall be adopted. Members of the board shall serve without compensation.

4 Powers and Duties. A regional youth center board shall have the following powers and duties:

I. To establish criteria for the admission of juveniles into the pilot program and to decline admission to any juvenile who does not meet those criteria. The board may, pursuant to procedures established by the board, remove any juvenile from a pilot location whose conduct interferes with the objectives of the program or whose behavior negatively affects another participant in the pilot program.

II. With the exception of bed supervision, to contract for the provision of ordinary and necessary services, including but not limited to residential, educational, security, healthcare services and community-based treatment, care, and counseling services for both juveniles attending the pilot program and their families.

III. To pursue additional funding for the pilot program, including but not limited to, grants or other moneys from federal, state, or private foundations or sources, and expend such grants, moneys, or other appropriations for the purposes of said pilot program.

IV. To establish an outcome-based evaluation plan for the program which shall provide for the collection of appropriate data and for the determination annually of the success of the regional youth center programming and services based on specific measures to be determined by the board.

V. To provide residential services to preadjudicated juveniles, adjudicated juvenile delinquents and children in need of services, and juveniles taken into temporary custody pursuant to RSA 169-B:9, II and RSA 169-D:8, II.

VI. To provide non-residential services to court-ordered and non-court-ordered juveniles on such terms and conditions as provided for in the criteria for admission established by the board.

5 Bed Supervision. The department of youth development services shall provide bed supervision for any regional youth center facility established in this act. Bed supervision shall consist of monitoring and supervising juveniles receiving residential services during the night time hours as such hours are established by the regional youth center board. The board shall determine the need for and extent of daytime supervision of juveniles in residence who are unable for any reason, including but not limited to illness, attend or participate in daytime programming. The state shall be responsible only for expenses related to bed supervision of juveniles in residence at a regional youth center.

6 Rulemaking. The commissioner of the department of youth development services shall adopt rules, pursuant to RSA 541-A, relative to the bed supervision of juveniles placed in a pilot location pursuant to the provisions of RSA 169-B and 169-D.

7 District Court; Jurisdiction.

I. Notwithstanding any law to the contrary, the pilot program and services established in this act shall be available for the purposes of actions and proceedings pursuant to RSA 169-B and 169-D in the district courts situated in the pilot locations.

II. Notwithstanding any provision of RSA 169-B to the contrary, any district court located in Hillsborough county shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing in Hillsborough county, and the district courts located in Coos, Grafton, Carroll, and Belknap counties shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing within those 4 counties, for a period to be determined by the court which shall not exceed 90 days.

III. Notwithstanding any provision of RSA 169-B or 169-D to the contrary, the district courts in the pilot locations shall have the authority, prior to adjudication and disposition, to order residential placement of a juvenile in the facility to the extent necessary to provide immediate supervision and protect the safety or welfare of the juvenile or the person or property of another. The district courts in the pilot locations shall comply with the provisions of RSA 169-B and RSA 169-D for the adjudication and disposition of any juvenile placed in the pilot program prior to such adjudication or disposition.

IV. The authority of the district courts in the pilot locations to place a juvenile in the pilot program is subject to the criteria established by a regional youth center board for the admission of juveniles to the pilot program and the authority of the board to decline to accept or to remove any juvenile who does not meet those criteria.

8 Regional Youth Center Pilot Program; Certification; Termination.

I. Regional youth center facilities shall be certified for the placement of minors pursuant to RSA 170-G:4, XVIII.

II. The regional youth center program shall terminate on July 1, 2003, unless otherwise authorized by a subsequent act of the legislature.

9 Department of Youth Development Services and Department of Health and Human Services; Biennial Budgets. The department of youth development services shall submit a budget for the biennium ending June 30, 2003 which shall include financial responsibility for bed supervision for regional youth center pilot facilities established in this act. The department of health and human services shall include in its budget for the biennium ending June 30, 2003 the costs for the services and programs provided at regional youth center pilot facilities for which the department is financially responsible.

10 Severability. If any provision of sections 2-10 as inserted by this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

11 Contingency. The provisions of this act establishing the pilot program shall only take effect upon the availability, from any source, of funds sufficient for the construction of new facilities or renovation of existing facilities, which shall fulfill the needs of the pilot program. If such funds are not available, the provisions of this act shall not take effect.

12 Effective Date.

I. Sections 2-10 of this act shall take effect as provided in section 11.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4606s

AMENDED ANALYSIS

This bill establishes criteria governing the relocation of the principal residence of a child and establishes a regional youth center pilot program with pilot locations in Hillsborough county and in a centrally situated location within Coos, Grafton, Carroll, and Belknap counties, for the placement of certain juvenile offenders where the programs and services ordered by the court are provided by the local community.

SENATOR SQUIRES: TAPE CHANGE the bill that I succeeded in muddying the waters. I have now cleared them. We have an amendment that includes the original bill. It includes Senator Trombly's amendment and it includes the amendment that Senator Gordon and I proposed and was passed. So it appears before you, the way that it should have appeared before you, and I hope that you will support it. I apologize for the confusion.

SENATOR TROMBLY: Since this is probably the only amendment that I am going to vote for that is going to pass today, I thought that I ought to speak. I appreciate Senator Squires allowing me to tag along on his victory. The amendment does take care of the concerns that I had relative to the committees amendment and my own floor amendment. I would ask that you pass the amendment.

Floor Amendment adopted.

Ordered to third reading.

HB 1582, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families. Public Affairs Committee. No Recommendation.

Senator McCarley moved ought to pass.

SENATOR MCCARLEY: Very quickly, I know that we are all in a hurry. The committee found itself in a 3-3 vote on this legislation, so I am going to speak for the ought to pass motion because while there was talk about how this was somehow bashing small business, this is a study committee to see if some of our small businesses are actually doing some really good, best practices, that work very well for families and employees. I thought that was a good thing, so I would encourage you to support a motion of ought to pass. I will even do one of those things that we all shudder to do. Senators are on the study committee. I will actually volunteer to be on the study committee. Thank you.

Adopted.

Ordered to third reading.

HB 1622, eliminating the requirement that a deputy town clerk have his or her domicile within the town. Public Affairs Committee. Vote 6-0. Ought to pass with amendment, Senator Roberge for the committee.

2000-4574s

08/01

Amendment to HB 1622-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT making the requirement that a deputy town clerk have his or her domicile within the town optional, and ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk.

Amend the bill by replacing sections 1 and 2 with the following:

1 Town Officers; Deputy Town Clerk; Town Domicile Not Required; Local Option. Amend RSA 41:18 to read as follows:

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk and who shall perform all the duties of the town clerk in case of his *or her* absence by sickness, resignation, or otherwise. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen. *A deputy town clerk need not be a resident of the town, unless the town, by adopting a warrant article at a town meeting, votes to require that the deputy town clerk be a resident of the town.*

2 Certain Annual Town Meetings Prior to Effective Date of This Act Ratified. No acts, votes, notices, or proceedings of any annual town meeting held prior to the effective date of this act shall be held invalid due to the town's deputy town clerk residing outside the town. Acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this act which are of questionable legality solely due to the town having a nonresident deputy town clerk, are hereby legalized, ratified, and confirmed.

2000-4574s

AMENDED ANALYSIS

This bill eliminates the requirement that a deputy town clerk have his or her residence in the town, unless the town votes at a town meet-

ing to require residence by the deputy town clerk in the town. This bill also ratifies and legalizes all acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this bill that are of questionable legality solely due to the town having a nonresident deputy town clerk.

SENATOR ROBERGE: House Bill 1622 bill eliminates the requirement that a deputy town clerk live within the town. As amended by the committee, if a town wishes to continue to require their deputy town clerk to be a resident, who has domiciled in their town, the town may adopt this provision at town meeting. Lacking any such positive action, the current residency requirement would be removed. Testimony was received at public hearing, that 41 towns in the state have deputy town clerks who are not residents. That is calling into question the validity of the actions of those town meetings. The committee, amends, ratifies any actions, votes, notices and proceedings of these towns which were held prior to the enactment of this legislation and could have been called into question because of a deputy town clerk's lack of local resident. The Public Affairs Committee recommends HB 1622 be ought to pass as amended. Thank you.

SENATOR WHEELER: Senator Roberge, I actually did get some calls from town clerks on this, being concerned about the bill. My concern is that if you live in a town that has adopted a nontown meeting form of government, as I do, how would the town go about saying that they wanted to have the deputy town clerk be a resident of the town? We don't have warrants and deliberative sessions. We have a town council.

SENATOR ROBERGE: I will defer to Senator Trombly.

SENATOR TROMBLY: The council would be the governing body that would vote not to do it.

SENATOR WHEELER: Senator Trombly, that isn't what is stated here. It talks about a warrant article and town meeting.

SENATOR TROMBLY: That affects those towns that have town meeting. The authority to hire and fire is vested with your town council, Senator Wheeler, so they would simply not do it. They have the authority to hire the person. It is not an elective office. They have the authority to hire, so therefore, they simply don't hire.

SENATOR WHEELER: Thank you.

Amendment adopted.

Senator Trombly offered a floor amendment.

May 18, 2000

2000-4579s

08/01

Floor Amendment to HB 1622-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT making the requirement that a deputy town clerk have his or her domicile within the town optional, ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk, and relative to the simultaneous holding of certain town offices.

Amend the bill by replacing all after section 2 with the following:

3 Town Elections; Incompatibility of Offices. Amend RSA 669:7, I to read as follows:

I. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of ~~[any]~~ **the town's** police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32.

4 Effective Date. This act shall take effect upon its passage.

2000-4579s

AMENDED ANALYSIS

This bill:

I. Eliminates the requirement that a deputy town clerk have his or her residence in the town, unless the town votes at a town meeting to require residence by the deputy town clerk in the town.

II. Ratifies and legalizes all acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this bill that are of questionable legality solely due to the town having a nonresident deputy town clerk.

III. Eliminates the prohibition on a person holding certain town offices and being full-time head of a police department other than that of the town in which he or she holds the other office.

SENATOR TROMBLY: The floor amendment is an amendment that was presented to the committee at the public hearing and it was discussed by the committee. There is a situation in one town where a person was elected selectman of one town, and was a police chief of another town. The way that the statute is written, on conflict of offices, it says that if you are a selectmen in one town, you cannot be the chief of police in any other town. So the amendment changes it to the town's police department. So you will have consistency in holding those offices. The committee voted to attach this to the bill. It was left off of the bill, and that is why you have it as a floor amendment.

SENATOR F. KING: It seems as though that is an appropriate place for home rule to take over? Wouldn't that be the appropriate thing to do, to let the town make up their own mind?

SENATOR TROMBLY: That is a very good idea, because if we don't have this amendment, the state is dictating that you can't do it. So by passing this amendment, you are supporting home rule.

SENATOR F. KING: Oh good. Thank you.

Floor Amendment adopted.

Ordered to third reading.

HB 1139, establishing a committee to study involuntary emergency admission hearings. Public Institutions, Health and Human Services Committee. Vote 6-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: I rise in support of HB 1139. The hearing process in place now, protects the rights of individuals admitted without consent by requiring the petitioner to present his or her case for the involuntary emergency admission. However, in cases where family members are involved, such a parent petitioning for a child to be involuntarily admitted, the hearings can be very difficult. The responsibility is placed on the parents to speak against their child to describe the situation in circumstances, defending their decision to have the child admitted. The sponsors of this bill are hopeful that the study committee can address some of the difficult issues surrounding these hearings for both the petitioner and for the individual involuntarily admitted; therefor, the committee urges that you support our recommendation of ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1250, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency. Public Institutions, Health and Human Services Committee. Vote 5-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: I rise in support of HB 1250. This legislation will allow a psychiatric mental health advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate from a prisoner jail to the secure psychiatric unit. The DOC is aware that it needs to utilize its resources to the fullest extent in order to provide mental health care to the persons within the departments custody. The Department of Corrections further believes, that HB 1250 will maximize the potential of the role of the psychiatric mental health advanced practiced registered nurses within the departments mental health care setting. I urge you to join the committee and vote ought to pass on this.

Adopted.

Ordered to third reading.

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. Public Institutions, Health and Human Services Committee. Vote 6-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: I rise in support of HB 1319, which extends the reporting date of the committee studying negotiated risk agreements to November 1, 2000. This bill also requires the department to conduct a study of the feasibility and desirability of negotiated risk agreements. The department shall consider ways to allow people, together with their family and friends, to manage long-term care services, in a manner which promotes personal dignity and choice, and the individuals right to make choices about his or her quality of life. The Department of Health and Human Services supports this bill and will continue to work with the committee to complete its duties. I urge you to vote HB 1319 ought to pass. Thank you.

Adopted.

Ordered to third reading.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions. Public Institutions, Health and Human Services Committee. Vote 5-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: Each year, about 330 children in New Hampshire are involuntarily committed to the state hospital. The majority of these children are depressed. Some have overdoses, some have major psychiatric illness. The law of the state requires, requires, that all children be transported to the Philbrook Center in the custody of the law enforcement community. What the bill does, is to say that under some circumstances, if the physician feels that the circumstances so warrant, the child may be transported by ambulance or a transport vehicle, in the presence of their parents. This bill is not, by any sense, an indictment or a criticism of law enforcement officers. It simply says that if there is alternative available, and it is safe, the parents and the physicians should have the option to allow that form of transport. It is a good bill. There was no opposition. I urge you to support it.

Adopted.

Ordered to third reading.

HB 1463, making technical corrections related to the mental health system and guardianship hearings. Public Institutions, Health and Human Services Committee. Vote 5-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: This bill offers a number of technical corrections to the statutes affecting individuals with mental illness. There was no opposition to the bill. It does four things. It inserts a new paragraph that allows a community mental health center or state facility, to disclose limited information relative to the case of suicide or traumatic injury to the child fatality review committee. The statute requires a psychiatric report to be filed with the court on the day of an involuntary admission hearing. It redefines the Philbrook Center. Currently, the statute describes Philbrook as the children's institution within the New Hampshire hospital. The bill redefines Philbrook as the children's services within the hospital, as children and adolescents. Finally, there is a technical correction regarding the ability of health care providers to testify guardianship hearings, an issue in which the law is now mute. Thank you.

Adopted.

Senator Roberge offered a floor amendment.

2000-4602s

05/10

Floor Amendment to HB 1463

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections related to the mental health system and guardianship hearings, and requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Service by State Police. Amend RSA 106-B by inserting after section 12 the following new section:

106-B:12-a Service by State Police. The director shall make a quarterly report to the commissioner of safety and the governor, the senate president and the speaker of the house on the results of service of criminal process, warrants and notices and arrests of persons wanted for outstanding warrants and court defaults. This report shall include the number of persons arrested and denied a license, and the amount of revenue raised.

6 NCIC Record Checks Required Prior to Issuance of Permanent Driver's License. Amend RSA 263:5-a, III to read as follows:

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others. ***After issuance of the temporary license and prior to issuance of a permanent license the applicant's record for outstanding warrants or defaults shall be checked through the NCIC, by running the exact name and date of birth given on the surrendered license or birth certificate through the NCIC computer system. The department shall not isolate applicants based on NCIC "Soundex", phonetic matches; name only; or date of birth only computer matches. If there is an exact match of name and date of birth, the application shall be denied until such time as the warrant or court default is cleared. During that period the applicant's current license and operating privileges shall be suspended by the state.***

7 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

8 New Paragraph; Interest after Suspension. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. After suspension as provided in paragraph II, interest on amounts not paid when due shall be computed at the rate of 1 percent per month from the date of suspension to the date payment is actually made. Interest shall be collected by the department or the court and deposited into the general fund. No interest shall be computed on fines assessed before January 1, 2001. The commissioner and the court shall have the discretion, as justice may require, to waive the payment of interest computed under this paragraph.

9 Interest on Fines Credited to the General Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, I, I-a, II and III-VII, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the default bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses up to a maximum amount of \$100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the default bench warrant fund to pay the costs related to law enforcement officials and bench warrants. The commissioner may also

draw upon such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.

10 Notice of Interest on Unpaid Fines. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to ~~[his]~~ *the* summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles" ~~[which];~~ *the fine schedule* shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail *and notification that unpaid fines may be subject to interest pursuant to RSA 263:56-a, II-a.* The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

11 Default of Personal Recognizance. Amend RSA 597:38-b, I to read as follows:

I. Whenever a party recognized to appear for any offense ~~[involving driving]~~ makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he *or she* has paid the amount of the forfeited recognizance to the court.

12 Effective Date.

I. Sections 1-4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2001.

2000-4602s

AMENDED ANALYSIS

This bill:

I. Makes certain technical corrections, including allowing disclosure of certain information to certain committees investigating child fatalities.

II. Requires any person applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC).

III. Authorizes the collection of interest on outstanding unpaid fines, with proceeds dedicated to the general fund.

IV. Broadens the scope of personal recognizance defaults subject to interest penalties.

V. Requires that any person who provides false information when applying for a license forfeit any fee paid.

SENATOR ROBERGE: Madame President and members of the Senate, I would like to amend HB 1463 with former SB 337-FN, requiring any person applying for a new drivers license in New Hampshire to be checked through NCIC for outstanding warrants or court defaults as a precondition for issuance and authorizing issuance penalties on unpaid violations.

SENATOR RUSSMAN: The only thing that I am concerned about with that is, I guess the underlying bill is an important bill or a good bill, but I know that the House Transportation Committee. I understand that they killed this amendment 15-0. I had supported it before, but I am concerned about putting it on here if it is going to jeopardize the bill. I don't think that it is going to pass. That just worries me in terms of the underlying bill being a good one. They made it clear that they rejected it 15-0 in the committee. I think that people should just keep that in mind.

A division vote is requested.

Yeas: 9 - Nays: 10

Floor amendment failed.

Senator Larsen offered a floor amendment.

2000-4564s

01/04

Floor Amendment to HB 1463

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.

Amend the bill by replacing section 5 with the following:

5 Statement of Purpose. The general court hereby states that the change from "juvenile services officer" to "juvenile probation and parole officer" in this act is intended simply to change the job title and does not reflect a change in job responsibilities. It is the specific intent of the general court that juvenile probation and parole officers shall not be eligible for group II retirement benefits within the New Hampshire retirement system, for participation in the law enforcement salary schedule, or for certification or training from the police standards and training council, except as provided in RSA 188-F:32.

6 New Subdivision; Department of Youth Development Services; Advisory Board Established. Amend RSA 621-A by inserting after section 8 the following new subdivision:

Advisory Board

621-A:9 Department of Youth Development Services Advisory Board Established; Membership.

I. There is hereby established a department of youth development services advisory board. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children referred to the department pursuant to RSA 169-B.

II. The board shall be composed of the following members:

(a) Two members from the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

(b) One member from the senate, appointed by the president of the senate.

(c) The commissioner of the department of youth development services or designee, who shall serve as an ex officio member.

(d) The commissioner of the department of health and human services or designee, who shall serve as an ex officio member.

(e) The commissioner of the department of education or designee, who shall serve as an ex officio member.

(f) One district or family court judge, appointed by the administrative justice of the district courts.

(g) Two human services administrators, one from an urban county and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

(h) Six members, appointed by the governor with the advice and consent of the council, which shall include 2 members representing the interests of business and industry, 2 parents of children who are receiving or have received services from the department, one member of state or local law enforcement, and one member from the general public.

III. Members of the advisory board shall serve without compensation provided that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:10 Terms of Office; Organization.

I. The legislative members and the members listed in RSA 621-A:9, II(c) – (f) shall serve terms which are coterminous with their terms in office. The members listed in RSA 621-A:12, II(g) shall serve for 3 years. Three of the members listed in RSA 621-A:9, II(h) shall serve for 4 years, and 3 members shall serve for 3 years.

II. Each appointed member of the advisory board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment in the same manner as the original appointment.

III. The advisory board shall elect its own chairperson and officers annually. The board shall meet monthly, or as deemed necessary, provided that the board shall meet at least once every 3 months.

621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of youth development services relative to programs and services provided to children who are referred to the department. The board may also provide advice and input on fiscal and budgetary matters within the department, the availability of state and federal grants, business partnerships, and other funding sources available to the department.

II. Beginning in December 2000, and annually thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, and the governor detailing the activities of the board and any recommendations made by the board to the department.

7 New Hampshire Retirement System; Definitions; Juvenile Probation, and Parole Officers Excluded from Group II Membership. Amend RSA 100-A:1, VII-a (b) to read as follows:

(b) Any bingo or lucky 7 inspector, security officer appointed pursuant to RSA 135:41, **any juvenile probation and parole officer**, or any person employed in the bureau of trails of the department of resources and economic development; or

8 Youth Development Center; Definitions; Juvenile Probation and Parole Officer Inserted. Amend RSA 621:3, VIII to read as follows:

VIII. "Parole" means a conditional release from the center which allows the child to serve the remainder of his or her commitment outside

the center, supervised by a juvenile **probation and** parole officer, contingent upon satisfactory compliance with the terms and conditions set forth in the parole agreement.

9 Reference Changes. Amend the following RSA provisions by replacing "juvenile services officer" with "juvenile probation and parole officer": RSA 169-B:2, VIII(c); 169-B:9, I; 169-B:9-a; 169-B:10, II; 169-B:19, I(j) the unnumbered concluding paragraph of 169-B:24; 169-B:25; 169-B:30; 169-C:3, XXIV; 169-C:6, I-III; 169-C:34, IV; 169-D:8, II; 169-D:9, I; 169-D:9-a; and 170-G:1, VI.

10 Reference Changes. Amend the following RSA provisions by replacing "juvenile service officers" with "juvenile probation and parole officers": RSA 169-B:35, II; 169-D:2, VI(c); 169-D:25, II; 170-G:3, III; 170-G:4, II-a; 170-G:15; and 170-G:16.

11 Effective Date.

I. Sections 5-10 of this act shall take effect July 1, 2000.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4564s

AMENDED ANALYSIS

This bill makes certain technical corrections, including allowing disclosure of certain information to certain committees investigating child fatalities.

This bill establishes a department of youth development services advisory board for the purpose of making recommendations to the commissioner relative to programs and services provided to children referred to the department. The bill also changes the title of "juvenile services officer" to "juvenile probation and parole officer."

SENATOR LARSEN: This amendment is actually an agreed upon amendment. It won't, in fact, cause any problems to the passage of the original HB 1463. This floor amendment that is coming to you does two things. It creates an advisory board for the Department of Youth Development Services. It is a bill which the House and the Senate have worked on but because of parliamentary maneuvering, this is the way to get that juvenile Department of Youth Development Services Advisory Board established. The only other thing that this floor amendment does is, which is also agreed upon, which is to change the title of "Juvenile Service Officers" to "Juvenile Probation and Parole Officers". Any reference within the statutes to Juvenile Services then become Juvenile Probation and Parole Officers. My understanding was that it was agreed upon and this is something which, hopefully, will be able to pass the Senate.

SENATOR RUSSMAN: Senator Larsen, I have a question on the Juvenile Services Officers making them Probation Officers. This suddenly changed them, the group of retirement plans that they are in because now that they may decide to carry firearms, and therefore, they would fall under a different category and all of a sudden we would have a whole new group of people in a different retirement system that we have to be concerned about?

SENATOR LARSEN: In a statement of purpose, it clarifies on the front page, "that is the specific intent of the General Court that Juvenile Probation Parole Officers are now eligible for Group II retirement benefits". Further, I believe on the last page, it also clarifies retirement issues. So it does not, in fact...I am sorry, on the bottom of page two, there is a discussion...there is the language on the New Hampshire Retirement System. They are specifically excluded from Group II as well as are bingo and Lucky Seven supervisors.

SENATOR PIGNATELLI: Senator Larsen, I was given a new House Bill that came over to us, HB 1469 establishing a Department of Youth Development Services Advisory Board and relative to changing the names of Juvenile Services Officers. I was asked to take this bill in, suspend our rules, hearings, and to vote on this today. It is a brand new bill for the Senate, but it looks a lot like this amendment to this bill. Is it the same?

SENATOR LARSEN: without looking at how the House amended it, it was my understanding that the House was doing more than just those two issues and this would allow a bill that was noncontroversial to accomplish what could be done. I haven't see this bill, I don't know if there are other issues besides the two. I understood that the House would be sending us a bill that had more issues than just these two issues.

SENATOR PIGNATELLI: Senator Larsen, has your amendment had a hearing in the Senate and passed on a Senate Bill?

SENATOR LARSEN: I believe that the issue has been debated in the Senate and has been sent to the House. The House made some changes to it. So yes, I understood that it had a hearing. It sounds like what you have is a very similar bill to what this floor amendment is. If that is true, then there is no harm in making sure that it survives by putting it onto a technical corrections bill that has not controversy.

SENATOR PIGNATELLI: Thank you, Senator Larsen.

Floor Amendment adopted.

Ordered to third reading.

HB 1464, relative to the licensing process for new health care facility construction. Public Institutions, Health and Human Services Committee. Vote 3-0. Ought to pass with amendment, Senator Wheeler for the committee.

2000-4449s

01/09

Amendment to HB 1464

Amend the title of the bill by replacing it with the following:

AN ACT relative to ambulatory surgical facilities in service areas of rural hospitals.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XXXIV the following new paragraph:

XXXIV-a. "Rural hospital" means a hospital that has less than 70 beds licensed by the department of health and human services.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) *Except as provided in subparagraph (2)*, the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than \$1,000,000. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) *The threshold amount for construction of ambulatory surgical centers within the service area of a rural hospital shall be \$500,000, unless there is an objection by the rural hospital, in*

which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of rural hospitals.

3 Effective Date. This act shall take effect 60 days after its passage.
2000-4449s

AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of rural hospitals.

SENATOR WHEELER: I rise in support of the committee recommendation of ought to pass as amended. As originally drafted, HB 1464 was just another piece of legislation related to the endless debate that we have had this session and last session, and the session before that, about ambulatory surgical centers and threshold amounts. The original bill went so far as to exempt land and equipment from the threshold formula used by the CON board. It leaves me to wonder if both land and equipment are excluded from the threshold, do we then have a health services planning and reviewing board for the purposes of evaluating bricks and mortar? I actually believe the CON board was established for more significant purpose than that. Now this is where the fun and games come in. The Public Institutions, Health and Human Services Committee wholly replaced HB 1464 with the body of SB 323. Senate Bill 323 is the Senate's position of protecting rural hospitals. That had the threshold amount of \$500,000 for the construction of an ambulatory surgical center within the service area of a rural hospital. It was Senator Gordon's bill. I believe that SB 323 does define the Senate's position on this issue. The House, however, took SB 323 and wholly replaced it with the content of HB 1525, about which I will tell you a little something later. So I think that it is really important for us to pass this bill as amended in order to maintain the Senate position protecting rural hospitals. So I hope that you will all vote in favor of the committee amendment.

Amendment adopted.

Ordered to third reading.

HB 1506, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. Public Institutions, Health and Human Services Committee. Vote 3-1. Inexpedient to Legislate, Senator Wheeler for the committee.

SENATOR WHEELER: This is coming in a group of three. The House has apparently endless appetite for this kind of tinkering. So I urge the Senate to agree with the committee that this should be inexpedient to legislate. The bill, 1506 extending the reporting date of the committee studying ambulatory surgical facilities, and attempts, once again, to clarify the threshold to be used. Representative Wendelboe, the prime sponsor of this bill, testified that last summer, the study committee, of which she is a member, as am I, was consumed with discussions surrounding the threshold issue. She stated that the committee needs more time to discuss and review the broader scope of issues, which should be reviewed by the Health Services, Planning and Review Board; however, I disagree. This committee, as I say, I serve on it, cannot proceed in an unbiased manner. I think that extending this study committee would be a waste of everyone's time. My suggestion, although, I don't have legis-

lation for it, **TAPE CHANGE** for future of health care services in New Hampshire. What needs to be addressed is the direction of health care in this state. The future scope services of hospitals, physician offices, outpatient services, competition, cost factors, emergency services, service areas, medical necessity, and perhaps a total reworking of RSA 151-C, which is the CON statute. I fail to see how a committee that couldn't get past a threshold issue last year, can possibly address all of these issues thoroughly and responsibly between the end of this legislative session and November 1 of this year; therefore, I think that it would be in the better part of wisdom to go along with the report of the committee and say that this bill is inexpedient to legislate. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board. Public Institutions, Health and Human Services Committee.

SPLIT REPORT: Inexpedient to Legislate, Senator Wheeler for the committee. Vote 2-3

SPLIT REPORT: Ought to Pass, Senator Squires for the committee. Vote 2-3

SENATOR WHEELER: I rise in support of the recommendation of inexpedient to legislate. House Bill 1525 is another committee that we don't need at this time. We are talking about a committee that would go into the Black Book. The House even wanted to give this committee subpoena power. The issues surrounding the Health Services Planning and Review Board have become very contentious, so appointing a group of legislators to provide oversight to this board, will lead to nothing but more hours of debate and arguments over the same issues. We do not need to keep getting politics mixed up in what should be a thoughtful discussion about the future of health care services in this state. Most of us have realized by now that the root of the problems surrounding this issue is this statute itself, RSA 151-C. This statute needs to be revised to reflect the structure and needs of our current health care system. A legislative oversight committee is not the way to deal with the problem, it is the way to perpetuate the problem. As Senator Fernald said in committee, it is time we stop treating the symptoms and start treating the disease. The disease in this case, being the out-of-date statute. If you really are sort of tempted to vote for this, which I hope that you will be able to resist, the substance of this has now appeared on SB 323. As I have told you a little while ago, the House decided to eliminate our rural hospital position and put this oversight committee in its place. So it has already passed the House. We are already going to go to a Committee of Conference on this. I can't see why anybody would want to pass this twice. It is bad enough once. So I urge you to vote inexpedient to legislate on this.

SENATOR SQUIRES: I rise at the tempter, to see if I can't offer another point of view here. This medical analogy is flawed, I am bound to say. This symptoms and treatment business. It could well be that statute is flawed or ill conceived or whatever...however, that does not relieve the committee, the board, that was created by this statute, to conduct itself in a manner which bears some oversight. Every other committee or board of a similar nature has that. This is not an attempt to overrule, to participate. The committee that I sit on is the committee on trying to find a way to deal with the wait list. We don't tell the Department of Health and Human Services what to do, but we under-

stand the problems that they have and how they work. I have learned a great deal about that. What this will do is allow the legislature to review what is actually happening procedurally. Even if we had a magnificent statute and a board was not following its procedures, it would be worthy of legislative oversight. I dare say that we have a number of oversight committees in the legislature which oversee things of less importance than this one. It would be beneficial in addressing all issues related to Health Services Planning and Review Board and it is consistent with the way that we have conducted our business. So don't be...don't feel embarrassed or humiliated to vote in favor of this bill. This is a good bill. We ought to consider it and we ought to make sure that every board in this state, and every applicant that comes before it is dealt with in an even and fair manner, regardless of the qualities of the statute that created it. Thank you.

SENATOR WHEELER: Senator Squires, I wondered if you realized that the House has already passed this bill, so that is a duplication of effort for us to do this?

SENATOR SQUIRES: Well there is a saying in medicine, Senator Wheeler, that we will conduct this operation wearing belt and suspenders; thus, duplication is not necessarily evil. It doesn't thwart the legislative process. I am sure that the various parties can find a solution to this problem.

Question is on the motion of ought to pass.

A roll call was requested by Senator Squires.

Seconded by Senator F. King.

The following Senators voted Yes: F. King, Gordon, Roberge, Squires, Francoeur, Krueger, Brown, J. King, Russman, D'Allesandro, Klemm.

The following Senators voted No: Johnson, Fraser, Below, McCarley, Trombly, Disnard, Eaton, Larsen, Wheeler, Cohen.

Yeas: 11 - Nays: 10

Senator Pignatelli (Rule #42).

Adopted.

Ordered to third reading.

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections. Public Institutions, Health and Human Services Committee. Vote 4-0. Ought to pass with amendment, Senator McCarley for the committee.

2000-4493s

03/10

Amendment to HB 1571-FN

Amend RSA 99-D:9, I as inserted by section 1 of the bill by replacing it with the following:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity and not in a wanton or reckless manner, arising out of clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections.

Amend RSA 541-B:21-a, I as inserted by section 2 of the bill by replacing it with the following:

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists or other medical doctors in accordance with any contract limited to such services entered into by the department of corrections.

SENATOR MCCARLEY: House Bill 1571 as amended, would allow the indemnification that currently exists for Dartmouth Medical School and their contract with the New Hampshire Hospital to extend to the Department of Corrections. What this will basically do, is allow the Department of Corrections to, if they can work out the details, enter into a contract with Dartmouth Hitchcock which will indemnify their MD's and psychiatrists to come and do work in both the secure psychiatric unit and in what they call in the Department of Corrections "the out patient" i.e. the people that are in jail but come to the psychiatric unit then go back to jail. This legislation as amended, would provide for that indemnification and would therefore allow us to be able to start to potentially bring greater mental health services to our prison population. One of the statistics that we were given during the course of this hearing is that we have one of the highest suicide rates in the country, on a percentage basis, for our people who are incarcerated. There is a feeling that based on the difficulty of getting people to work there, that we need to come up with another way to try and bring more services. I think that our employees are doing a great job, but this will provide the opportunity for the department to potentially enter into a contract to provide additional services. I should also add that there was a great deal of concern in the House, relative to this legislation about if this is a step down the road of privatization. The State Employees Association raised that issue. We have been assured and reassured by the new commissioner as well as the new commissioner's staff that indeed, he is not supportive of privatization and is not planning on heading down that road, but does believe that this will provide the opportunity to provide better mental health services for our prisoners. I urge your support.

Amendment adopted.

Ordered to third reading.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. Public Institutions, Health and Human Services Committee. Vote 5-0. Inexpedient to Legislate, Senator Squires for the committee.

SENATOR SQUIRES: I rise in the odd position of being a sponsor of this bill and asking you to find it inexpedient. The bill, as it was originally written, made it the law that if a seller of tobacco products was found guilty of selling to minors for the third time, they would lose their license or have it suspended. The current law is that if you that for four times. The House amended it to six times, I think to make it coincident with alcohol laws. The reason that I can't support it is because as written before you, it actually loosens the penalties and the laws surrounding that of associated with selling tobacco to minors. So I urge you to find this inexpedient to legislate.

Recess.

Out of Recess.

SUBSTITUTE MOTION

Senator Klemm moved to substitute ought to pass for inexpedient to legislate.

SENATOR KLEMM: Senate Bill 353 which we initially tried to amend to HB 1240, and we decided to put it onto HB 1389 and the House has refused the amendment on HB 1389, so I would like to offer a floor amendment is this motion passes to replace all after the enacting clause and amend it with SB 353.

SENATOR SQUIRES: If it would facilitate the process, I would be pleased to withdraw my inexpedient to legislate motion and we could just vote on this for the purposes that Senator Klemm just stated.

Adopted.

Senator Klemm offered a floor amendment.

Sen. Klemm, Dist. 22

Sen. Fraser, Dist. 4

Sen. Wheeler, Dist. 21

Sen. Krueger, Dist. 16

2000-4610s

05/01

Floor Amendment to HB 1579-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to sales of insurance by financial institutions.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Insurance Referrals. Amend RSA 402 by inserting after section 16-a the following new section:

402:16-b Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

2 New Section; Insurance Referrals. Amend RSA 405 by inserting after section 17-b the following new section:

405:17-c Insurance Referrals. Notwithstanding other provisions of this title, a person who has not complied with all applicable state insurance licensing and appointment laws and regulations may refer a party to a person who has complied with all applicable state insurance licensing and appointment laws and regulations, if the person making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

3 Purpose; Reference to "Place With a Population of 5,000" Removed. Amend RSA 406-C:1 to read as follows:

406-C:1 Purpose. The purpose of this chapter is to *authorize and* regulate the solicitation for purchase and the sale in this state of insurance by financial institutions ~~in places with a population of 5,000 or fewer people and to direct and authorize the insurance commissioner to adopt~~

such rules as may be necessary to protect the interests of insurance policyholders in this state] and to maintain parity with respect to the insurance powers of state and federally chartered financial institutions.

4 Definition; Financial Institutions. RSA 406-C:2, IV is repealed and reenacted to read as follows:

IV. "Financial institution" means a bank, savings bank, savings and loan association, trust company, or any depository institution as defined by the Federal Deposit Insurance Act, as amended, 12 U.S.C. section 1813(c)(1), which is authorized to take deposits and make loans from a place of business in the state. For the purposes of this chapter, the term financial institution shall also include any non-depository affiliate or subsidiary of a financial institution but only in the instances when the non-depository affiliate or subsidiary is soliciting the sale or purchase of insurance recommended or sponsored by, on the premises of, or in connection with a product offering of, the depository financial institution. Activities of employees and agents of a financial institution shall be deemed to the activities of the financial institution. The term does not include an insurance company subject to regulation under title XXXVII.

5 Definition; Nonpublic Customer Information. Amend RSA 406-C:2, V to read as follows:

V. "Nonpublic customer information" means information regarding a person that has been derived from a record of a financial institution concerning insurance premiums, the terms and conditions of insurance coverage, insurance expirations, insurance claims, and insurance history of an individual; ~~and such other information as established by rules adopted by the commissioner~~. "Nonpublic customer information" does not include customer names, addresses, and telephone numbers.

6 Separation of Activities. Amend RSA 406-C:7 to read as follows:

406-C:7 Separation of Activities.

I. Solicitation for the purchase or sale of insurance by the financial institution shall, to avoid customer confusion and to the extent practicable, be conducted in a physical location distinct from the area where retail deposits or credit transactions are being conducted ~~[in accordance with rules adopted by the commissioner]~~.

II. Solicitation for the purchase or sale of insurance by a licensed employee who exercises authority over credit transactions shall be conducted in a manner which addresses the potential for customer confusion and coercion ~~[consistent with rules adopted by the commissioner]~~.

III. Signage, informational materials, and sales literature concerning the availability of insurance products through the financial institution shall be utilized and displayed in ~~[accordance with rules adopted by the commissioner]~~ ***the manner required by this chapter.***

IV. If the product name under which the insurance contract is marketed includes the name of a financial institution, then the marketing material must ~~[in accordance with rules adopted by the commissioner]~~ prominently identify the insurance company which issues and underwrites the insurance contract.

7 Disclosures. Amend the introductory paragraph of RSA 406-C:8, I to read as follows:

I. To avoid customer confusion and in addition to any other requisite disclosures, all advertising, promotional material, and solicitation, including telemarketing contacts ***in the case of life insurance and annuities,*** shall ~~[as required under rules, bulletins, or interpretive rulings adopted or promulgated by the commissioner]~~ include a prominent disclosure that substantively states that a purchase of insurance:

8 Insurance Referrals. RSA 406-C:12, I is repealed and reenacted to read as follows:

I. An employee of a financial institution who is not licensed to sell insurance may refer a party to a person who is licensed to sell insurance, if the employee making such referral is compensated for such referral in an amount that does not exceed a nominal amount and such amount is not based on or related to the party's purchase of insurance.

9 Prohibited Practices. Amend RSA 406-C:12, III to read as follows:

III. An insurance product shall not be offered in a package with non-insurance products in ~~[violation of rules adopted by the commissioner to prohibit]~~ **a manner that constitutes** unlawful tying activities, rebating, and unfair competition with respect to insurance sales.

10 Service Corporations; "Place of 5,000" Removed. Amend RSA 384:16-b, III to read as follows:

III. ~~[Provided further that any contrary provision of law notwithstanding, the provisions of paragraph II apply only to a bank or banking association and its subsidiary and do not apply to an affiliate thereof, and] The provisions of this section shall not be construed to prevent such bank, banking association, or subsidiary from conducting insurance activities pursuant to RSA 406-C and rules adopted under RSA 406-C, as permitted in RSA 394-A:9[if such financial institution or its subsidiary is located in a place of 5,000. A place of 5,000 means a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census]. An affiliate of any bank or banking association shall be bound by the provisions of RSA 406-C, with respect to sales of insurance in this state which are recommended or sponsored by a *depository* financial institution or sold on the premises of a *depository* financial institution.~~

11 Insurance; "Place of 5,000" Removed. Amend RSA 394-A:9, I to read as follows:

I. ~~[(a) The insurance activity may be conducted only by the financial institution, or a subsidiary of the financial institution that is located in a place of 5,000. A place of 5,000 shall mean a town or city in this state with a population not exceeding 5,000 as determined by the last federal decennial census; and~~

~~(b)] The conduct of the insurance activity shall comply with the provisions of RSA 406-C and any rules adopted thereunder, any applicable state insurance licensing laws and rules, and all applicable federal and state consumer protection laws, including the federal anti-tying provisions of 12 U.S.C. section 1972.~~

12 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title **or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance** and such other rules and regulations as are reasonably necessary to implement ~~[the]~~ **such** provisions ~~[of this title]~~.

13 Repeal. RSA 406-C:2, VI, relative to the definition of "place of 5,000," is repealed.

14 Effective Date. This act shall take effect 60 days after its passage.

2000-4610s

AMENDED ANALYSIS

This bill makes changes to the laws regulating sale of insurance by financial institutions, including removing the "place of 5,000" restriction

on insurance sales, changing provisions regarding the separation of banking and insurance activities, and repealing certain rulemaking provisions.

SENATOR KLEMM: I rise to offer a floor amendment, which is essentially SB 353, which we have already passed over to the House. This amendment replaces HB 1579 with everything after the enacting clause.

Floor Amendment adopted.

Ordered to third reading.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss. Public Institutions, Health and Human Services Committee. Vote 4-0. Ought to Pass, Senator Wheeler for the committee.

SENATOR WHEELER: There was a very active committee on the issues surrounding the profoundly deaf and the hearing impaired, and various pieces of legislation came from that committee. One of them is the desire to have a New Hampshire Task Force on Deafness and Hearing Loss. We had very compelling testimony. I think that it is a significant issue for many people living in our state. I hope that the Senate will support the committee recommendation. Thank you.

Adopted.

Ordered to third reading.

HJR 20, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. Public Institutions, Health and Human Services Committee. Vote 6-0. Ought to Pass, Senator Squires for the committee.

SENATOR SQUIRES: This was one of those hearings that you will probably never forget. In the early 1980's, the U.S. blood supply system began collecting blood and plasma from third world countries, prisons and from anybody that would donate. As early as 1982 there was evidence that these blood products were contaminated with HIV and hepatitis. And despite that, these collections continued. One of the great recipients of blood products are the patients with hemophilia. The government finally recognized this in 1988 and measures were taken so it is not an issue. In that period of time, literally, hundreds of patients contracted HIV due to this mismanagement and disgraceful performance in the collection of blood. Congress passed an act in 1988 that gave some financial reimbursement to the families of those individuals. Like other government programs, it did not fund it. The testimony that was so moving, was from a woman in Nashua whose husband died from HIV infection that he contracted in 1986. Five years after this information was known. There is no question that these people, these patients need to be reimbursed. The best that we can do is to urge Congress to meet its obligations. Most of the other countries in the world have done this. So let us send a message to these patients and to our Congress that this is right. A wrong was done. An injustice was done, and this is the best that we can do to correct it. Thank you.

SENATOR TROMBLY: Senator Squires, would you agree with me that the last information that was available to us that 80 percent of all hemophiliacs living in 1985 will die from HIV Aids infection?

SENATOR SQUIRES: Yes, I would believe that.

SENATOR PIGNATELLI: Very briefly. Of course I support this excellent House Joint Resolution and congratulate the sponsors and all of the people

that came to testify that day in Public Institutions, Health and Human Services. It was a very moving bill. It is critical that this get done very soon, because in their wisdom, Congress has sunsetted this legislation so that if they don't fund for people and survivors now, in a couple of years there will be no funding source. So I urge passage, unanimous passage of this. Thank you.

Adopted.

Ordered to third reading.

HB 1563-FN-L, establishing the Wolfeboro Airport Authority. Transportation Committee. Vote 2-0. Ought to pass with amendment, Senator Gordon for the committee.

2000-4547s

09/04

Amendment to HB 1563-FN-LOCAL

Amend the bill by replacing sections 9 and 10 with the following:

9 Repayment of Initial Investment. The Authority shall give priority to the repayment of any moneys, if any, advanced to the Authority by private individuals or organizations toward the acquisition of the airport. Those individuals or organizations shall be known as the private investors.

10 Membership of the Authority.

I. A member of the board of selectmen of the town of Wolfeboro shall constitute the mandated member of the Authority. The selectmen member, together with 6 other individuals appointed as hereinafter provided, shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon the Authority.

II. Two members, both of whom shall be residents of the town of Wolfeboro and, so long as any moneys advanced have not been repaid, one of whom shall be chosen from nominees provided by the individual investors, shall be appointed by the board of selectmen. Four members shall be appointed by the commissioner of the department of transportation, 3 of whom shall be residents of the town of Wolfeboro. One appointee shall have general knowledge of and interest in the aeronautics industry and shall not be required to be a resident of the town of Wolfeboro. The members of the Authority shall be nominated and appointed prior to any state transfer of property to the Authority. Authority members shall serve for 3-year terms and until their successors are appointed. However, upon the initial formation of the Authority, 2 of the members shall serve for a period of 4 years, 2 of the members shall serve for a period of 3 years, and 2 of the members shall serve for a period of 2 years. At the initial meeting of the Authority, the length of term shall be determined for each appointee, provided that the nominee of the individual investors appointed by the selectmen shall be given one of the 4-year terms.

III. After public hearing, any of the members of the Authority may be removed by a majority vote of the Authority members for neglect of duty, malfeasance, or misconduct. Any such removal shall be accompanied by written findings made by the Authority.

IV. Except for the mandated member, no person shall be eligible for membership of the Authority who at the time of the appointment of such member holds any remunerative public office or position or any employment for compensation (except as an independent contractor) with the town of Wolfeboro.

V. Any member of the Authority who is also a private investor shall fully and publicly disclose the type and extent of his or her investments in the Authority before participating in any board activities which might impact the value of or return on that investment.

Amend the bill by replacing section 14 with the following:

14 Audits and Reports. All financial transactions of the Authority shall be independently audited annually and at such other times and in such manner as the Authority shall determine. The Authority shall make an annual report of its financial and other transactions for the preceding calendar year. This report shall be forwarded to the department of transportation and shall be made available for inspection by the public and by the private investors.

Amend the bill by replacing section 16 with the following:

16 Penalties. Any violation of the published rules, ordinances, and regulations of the Authority relating to the operation of the airport, and any unjustified refusal or repeated neglect to pay lawfully prescribed fees for the use of the airport or its facilities, shall be a class B misdemeanor, provided, however, that nothing contained in this section shall be construed as a limitation upon the civil rights of individuals or of the Authority.

SENATOR GORDON: House Bill 1563 has to do with the Wolfeboro airport. Many of you may be familiar with the issues involving that, but the Department of Transportation has a right of first refusal on the sale of airports with the specific purpose of keeping them operating. The Department of Transportation has entered into what it hopes will be a private/public partnership to keep the Wolfeboro airport operating into the future. In order to do that, it needs to create an airport authority. This legislation creates that authority. It would be a seven person authority. The amendment, which has been added to this bill imposes certain requirements on the authority. An authority member, for example, has an investment in the airport, they have to disclose the nature of their investment before they make any decisions in regard to the use of the airport or its property. I believe that the amendment, as you see it today, has the general agreement among all parties involved. One thing that I would like to point out, and I think that it is very important, to me, that before the property is handed over from the state to the private investors. It does have to go through approval by the governor and council. It also has to go through approval by the Long Range Capital Planning so that the legislature will still have a say in regard to the terms and conditions of the transfer. I would urge your support of HB 1563 as amended.

SENATOR JOHNSON: I just want to take a moment to say that this prime piece of land and this airport is in my district. I want to thank Senator Gordon, Chairman of the Transportation Committee for his patience and his expertise in bringing this legislation forward with a motion of ought to pass as amended. There were certainly spirited testimony on both sides of the issue, but I believe that the will of the people of the town of Wolfeboro will be answered with this piece of legislation as amended.

Amendment adopted.

Ordered to third reading.

HB 1620-FN, relative to driver record information. Transportation Committee. Vote 5-0. Ought to pass with amendment, Senator Gordon for the committee.

2000-4562s

05/09

Amendment to HB 1620-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to driver record information, liquor liability insurance coverage, retail selling, and requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.

Amend RSA 260:14, XV(a)(2) as inserted by section 10 of the bill by replacing it with the following:

(2) The legitimate business provides the commissioner with a list of all users of the information, including the name and address of the business, provided, however, that such list shall not be a public record available for public inspection pursuant to RSA 91-A.

Amend the bill by replacing all after section 10 with the following:

11 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability. Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has violated RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee to a limit of not less than \$100,000 to any one person and \$200,000 to all persons.

II. Effective 60 days after the inception of a liquor liability insurance contract, no notice of intention to terminate the contract or, if the contract is a renewal, no notice of intention not to renew the contract shall be effective unless the insurer at least 60 days prior to the effective date of cancellation or the end of the contract period, as the case may be, mails or delivers to the insured, and to the commission, at the address shown on the policy such notice of intention not to renew, except where cancellation is for nonpayment of premium, or where the insured no longer has a license. If cancellation is for nonpayment of premium pertaining to contracts required pursuant to paragraph I, the insurer shall not cancel such liquor liability insurance except upon 30 days prior written notice to the licensee and the commission.

III. The commission shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria necessary for a certificate of insurance for liquor liability to be required for the issuance of a liquor license.

12 Retail Installment Sales; Retail Selling; Disclosure, Exceptions; Telephone Number; Limitation. Amend RSA 361-B:2-a, I(c) to read as follows:

(c) *In the case of a telephone solicitation, an address or a telephone number for customer inquiries and complaints.*

13 New Section; Service by State Police. Amend RSA 106-B by inserting after section 12 the following new section:

106-B:12-a Service by State Police. The director shall make a quarterly report to the commissioner of safety and the governor, the senate president and the speaker of the house on the results of service of criminal process, warrants and notices and arrests of persons wanted for outstanding warrants and court defaults. This report shall include the number of persons arrested and denied a license, and the amount of revenue raised.

14 NCIC Record Checks Required Prior to Issuance of Permanent Driver's License. Amend RSA 263:5-a, III to read as follows:

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others. *After issuance of the temporary license and prior to issuance of a permanent license the applicant's record for outstanding warrants or defaults shall be checked through the NCIC, by running the exact name and date of birth given on the surrendered license or birth certificate through the NCIC computer system. The department shall not isolate applicants based on NCIC "Soundex", phonetic matches; name only; or date of birth only computer matches. If there is an exact match of name and date of birth, the application shall be denied until such time as the warrant or court default is cleared. During that period the applicant's current license and operating privileges shall be suspended by the state.*

15 New Paragraph; Nonrefundable Fee. Amend RSA 263:5-a by inserting after paragraph VI the following new paragraph:

VII. Any person who provides false information as provided in paragraph VI shall forfeit any fee paid.

16 New Paragraph; Interest after Suspension. Amend RSA 263:56-a by inserting after paragraph II the following new paragraph:

II-a. After suspension as provided in paragraph II, interest on amounts not paid when due shall be computed at the rate of 1 percent per month from the date of suspension to the date payment is actually made. Interest shall be collected by the department or the court and deposited into the general fund. No interest shall be computed on fines assessed before January 1, 2001. The commissioner and the court shall have the discretion, as justice may require, to waive the payment of interest computed under this paragraph.

17 Interest on Fines Credited to the General Fund. Amend RSA 263:56-d to read as follows:

263:56-d Suspension for Forfeitures of Recognizances. Notwithstanding the provisions of RSA 263:56-a, I, I-a, II and III-VII, the procedure for suspension of licenses and collection of payments for forfeited recognizances for driving offenses shall be in accordance with RSA 597:38-b. Payments collected by the court under RSA 597:38-b shall be deposited into a special fund, known as the default bench warrant fund. The commissioner may draw on such fund to pay the cost of state, county and local law enforcement officials who make arrests pursuant to bench warrants issued for persons improperly at large for driving-related offenses up to a maximum amount of \$100 per bench warrant. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the disbursement of moneys from the default bench warrant fund to pay the costs related to law enforcement officials and bench warrants. The commissioner may also draw upon such fund to pay the cost of breath analyzer machines, upon the recommendation of the advisory committee on breath analyzer machines pursuant to RSA 106-G:1.

18 Notice of Interest on Unpaid Fines. Amend RSA 262:44, I to read as follows:

I. Such defendant shall receive, in addition to [his] *the* summons, a uniform fine schedule entitled "Notice of Fine, Division of Motor Vehicles"

[which]; *the fine schedule* shall contain the normal fines for violations of the provisions of title XXI on vehicles for which a plea may be entered by mail *and notification that unpaid fines may be subject to interest pursuant to RSA 263:56-a, II-a*. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally shall do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the director of motor vehicles within 30 days of the date of the summons. The director of motor vehicles shall remit the penalty assessments collected to the police standards and training council for deposit in the police standards and training council training fund and to the state treasurer to be credited and continually appropriated to the victims' assistance fund in the percentages and manner prescribed in RSA 188-F:31. Fines shall be paid over to the commissioner of administrative services, or to such department or agency of the state as the law provides, within 14 days of their receipt.

19 Default of Personal Recognizance. Amend RSA 597:38-b, I to read as follows:

I. Whenever a party recognized to appear for any offense [~~involving driving~~] makes default and the recognizance is declared forfeited, the court shall send a notice of default to the division of motor vehicles. The division shall send a notice to the person owing the recognizance, demanding payment within 30 days and stating that failure to make payment within the 30-day period shall result in suspension of such person's driver's license or driving privilege until such time as the person provides proof to the department of safety that he *or she* has paid the amount of the forfeited recognizance to the court.

20 Effective Date.

I. Sections 12-19 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4562s

AMENDED ANALYSIS

This bill:

I. Further defines the various circumstances under which a person's motor vehicle record may be released, and provides added measures of security to those persons wishing to restrict its use.

II. Permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee if the licensee or applicant has violated the prohibition on serving minors or intoxicated persons.

III. Limits to telephone solicitation the telephone number for customer inquiries and complaints disclosure that certain home solicitation sellers must provide, and permits disclosure of an address instead of a telephone number.

IV. Requires any person applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC).

V. Authorizes the collection of interest on outstanding unpaid fines, with proceeds dedicated to the general fund.

VI. Broadens the scope of personal recognizance defaults subject to interest penalties.

VII. Requires that any person who provides false information when applying for a license forfeit any fee paid.

SENATOR GORDON: This is a bill which was brought to the Senate Transportation Committee relative to driver information. As you know, the state of New Hampshire makes driver information available or has historically made driver information available to the public for purchase. We have had a series of legislation over the last few years, in regard to limiting the amount of information which can be supplied. As you know, we put in provisions that would allow an opt out, that people, at some point in time, could opt out of having their information sold. This changes the provision of that law to be consistent with federal law, which allows an opt in, which basically says that your information is private unless you opt to have it supplied to private suppliers. So generally, the provisions of HB 1620 seem to be very acceptable. There is an amendment that deals with housekeeping measures. There were also some certain other amendments having to do with liquor liability and other matters which were added to the bill in the Transportation Committee. I urge your support.

Amendment adopted.

Ordered to third reading.

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. Transportation Committee. Vote 3-0. Ought to pass with amendment, Senator Pignatelli for the committee.

2000-4540s

01/09

Amendment to HB 2000-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the statewide toll booth system.

Amend the bill by replacing section 8 with the following:

8 Statement of Intent. The general court recognizes that building additional toll booths create safety concerns and pollution issues. The general court also recognizes that more toll booths detract from the New Hampshire scenery and negatively impact the New Hampshire tourism industry.

9 Proposed Toll Booths Eliminated. The department of transportation shall eliminate the proposed toll booths for the city of Nashua.

10 Alternatives to Toll Booth System Required; Department of Transportation. The commissioner of the department of transportation shall recommend alternatives to the statewide toll booth system. The commissioner shall submit a report on or before November 1, 2000 with recommendations for legislation to the senate president, the speaker of the house, the chairpersons of the senate and house transportation committees, and the governor.

11 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

4540s

AMENDED ANALYSIS

This bill:

I. Updates the 10-year transportation plan to maintain the highways and bridges in the state.

II. Adds a budget footnote to 1999, 159:1.

III. Establishes a committee to study the priority and funding of the projects included in the 10-year transportation plan.

IV. Eliminates proposed toll booths in Nashua.

V. Requires the commissioner of the department of transportation to create alternatives to the state's toll booth system.

SENATOR PIGNATELLI: House Bill 2000 contains the plan and schedule for highway construction for the next 10 years. Since 1986 when the 10-Year Highway Plan was adopted, the legislature has reconsidered the plan each biennium and adjusted its priority and funding as circumstances have changed. This bill represents an expansive program of construction and rehabilitation made possible by increases in the federal highway funds earmarked for New Hampshire by the federal Transportation and Efficiency Act for the 21 Century or otherwise called T-21. Federal funds have increased 50 percent in most categories to total \$140 million per year all together. The plan calls for investing all available federal funds. As a rule of thumb, every \$8 in federal funds must be matched by \$2 in state funds. Altogether, HB 2000 directs \$270 million to projects left unfunded in the previous biennium and \$180 million to about 40 projects recommended by the Department of Transportation and regional planning commissions. This bill applies a significant share of federal funds to the turnpike system. Altogether, \$150 million over the next 10-years. This, along with the \$100 million turnpike fund, will finance completion of all anticipated turnpike projects. We assume that there are enough funds to finance the program in HB 2000 through 2004 when the federal authorization expires without increasing the turnpike tolls or the gas tax or imposing new or higher fees. The House amended the bill to include a committee to study the priority and funding of projects included in the plan. The Transportation Committee amendment, adds a statement of intent regarding the use of our tolls in the state and eliminates the construction of proposed tolls in the city of Nashua. The Transportation Committee recommends that HB 2000 be ought to pass as amended. Thank you very much.

Amendment adopted.

Senator Russman offered a floor amendment.

2000-4587s

01/09

Floor Amendment to HB 2000-FN-LOCAL

Amend RSA 240:2, VIII(b) as inserted by section 1 of the bill by replacing it with the following:

- | | |
|---|---|
| <p>(b) I-93 Derry/Londonderry
13065</p> | <p>Construction of exit 4A – new interchange between existing exit 4 and exit 5 to (1) relieve traffic congestion and (2) as access to potential development of industrial land</p> |
|---|---|

SENATOR RUSSMAN: I rise to offer a floor amendment. Basically what it does, under the part where it says that exit 4-A for Londonderry/Derry, it talks in terms that it is to open development land for Derry. The language change would be the "Construction of exit 4A – new interchange between existing exit 4 and exit 5 to (1) relieve traffic congestion and (2) as access to potential development of industrial land". That would be the changes. It doesn't change any dates or anything else. But the way that it looks there, it actually opens up more land in Londonderry than it does in Derry, but it is not actually accurate what it states, so this makes it accurate in terms of the purpose of the exit of 4-A.

Floor Amendment adopted.

Ordered to third reading.

HB 1144, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. Ways and Means Committee. Vote 7-0. Inexpedient to Legislate, Senator Brown for the committee.

SENATOR BROWN: A long time ago this morning, I lost my reports, so I am just going to wing it. The committee felt that this was a discriminatory bill. If we are going to look at exemptions for property taxes for not for profits, why limit it to just hospitals? So we recommended it as inexpedient to legislate. Thank you.

Committee report of inexpedient to legislate is adopted.

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes. Ways and Means Committee. Vote 6-0. Ought to pass with amendment, Senator F. King for the committee.

2000-4062s

09/01

Amendment to HB 1202-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes.

Amend the bill by replacing all after section 10 with the following:

11 Notification; Grant Distribution. RSA 198:42, III is repealed and reenacted to read as follows:

III. The department of education shall certify the amount of each grant to the state treasurer and direct the payment thereof to the school district. Upon distribution of the first grant payment made to a school district in any year, the municipality on whose behalf the payment is made shall receive notification from the state treasurer of the amount of the total grant distribution for that year and the amount of the payments which comprise the total grant distribution for that year.

12 Effective Date.

I. Sections 4 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

SENATOR F. KING: The committee found HB 1202 a good bill. We recommend it ought to pass with amendment 6-0.

Amendment adopted.

Senator Below offered a floor amendment.

Sen. Hollingworth, Dist. 23
Sen. Below, Dist. 5

2000-4597s

09/01

Floor Amendment to HB 1202-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections to 1999, 17 as amended, relative to fixing and mailing procedures in the administration and appeal of state and local taxes, and relative to disclosure of information for purposes of the tax modeling system.

Amend the bill by replacing section 11 with the following:

11 Legislative Budget Assistant; Disclosure of Confidential Information. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law *or the development, maintenance, updating and use of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23*. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or, *except in accordance with a written contract between the fiscal committee of the general court and a consultant pursuant to 1999, 338:23*, to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide

the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

12 Legislative Budget Assistant; Disclosure of Confidential Information. Amend RSA 14:31, IV to read as follows:

IV. All state departments, boards, institutions, commissions, and agencies shall be required to furnish to the legislative budget assistant any information, including confidential information, he may request in the course of carrying out his duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, except that access to confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential information, the state entity shall furnish the information, except for work papers as described in RSA 91-A:4, V. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required by law ~~[or the development, maintenance, updating and use of databases necessary for the operation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23]~~. The legislative budget assistant shall notify the head of any state department, board, institution, commission, or agency before requiring the state entity to furnish any confidential information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or ~~[except in accordance with a written contract between the fiscal committee of the general court and a consultant pursuant to 1999, 338:23]~~ to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him in the carrying out of his duties, except such summaries and results which do not disclose any identity required by law to be confidential. If any state entity objects to providing confidential information under the provisions of this paragraph, the state entity may apply to the attorney general for disapproval of the request. The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his duties as required by law. If the attorney general finds that such examination is not necessary, he shall disapprove the request, and the agency shall not be required to provide such information. If the state entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.

13 Disclosure of Tax Information; Terminal Authorization.

I. Notwithstanding the provisions of RSA 21-J:14, the commissioner of revenue administration may disclose data from department records, files or returns to any consultant under contract with the fiscal committee of the general court pursuant to 1999, 338:23 for the purpose of, and to the extent necessary for, the performance of the contract for the de-

velopment and implementation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23. The persons to whom such disclosure may be made shall include subcontractors to the consultant specifically approved pursuant to the contract with the fiscal committee. No disclosure shall be made which would violate the provisions of any federal or state compact or agreement for the exchange of information between the department of revenue administration and the Internal Revenue Service of the United States or any other state. Officers, employees, or approved subcontractors of the consultant having in their custody or control any confidential taxpayer information obtained from the department pursuant to this paragraph shall be subject to the provisions of RSA 21-J:14.

II. Any database developed by the consultant or other person which contains confidential information disclosed pursuant to paragraph I shall reside in the custody of the department of revenue administration.

III. The legislative budget assistant and the department of administrative services are authorized hereby to use computer terminals which access any tax modeling software developed by the consultant pursuant to 1999, 338:23, provided that neither the legislative budget assistant or the department of administrative services shall be permitted access to any individual taxpayer records, returns or information that are not sampled and blurred to prevent identification of the taxpayer and then only if such access is necessary to check the results obtained by using the software.

14 Repeal. Section 13 of this act, relative to disclosure of tax information, is repealed.

15 Effective Date.

I. Sections 12 and 14 of this act shall take effect December 31, 2001.

II. Sections 11 and 13 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

2000-4597s

AMENDED ANALYSIS

This bill makes technical corrections to 1999, 17 (HB 117) as amended. The bill also clarifies certain filing and mailing procedures to be used in the administration and appeal of state and local taxes.

This bill also permits the department of revenue administration to disclose certain tax records and information to the legislative budget assistant for the purpose of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23.

SENATOR BELOW: I rise to offer a floor amendment. This is identical to another floor amendment that we passed earlier today. This is the belt and suspenders approach. It is the same amendment regarding the tax policy modeling software and the allowance for use by the LBA for samples and blurred tax data that has had all individual information removed from it.

SENATOR MCCARLEY: Senator Below, I think that we discussed this earlier. By virtue of passing this, it certainly moves along the ability to get the tax modeling situation moving, which is what we all, I think, want to do. In terms of who can access this data at some point, if it is located in the LBA's Office is it locatable by legislators or simply by the LBA staff?

SENATOR BELOW: Ultimately, that is an issue for the Fiscal Committee to decide and it hasn't really decided that. Probably it will be primarily through the LBA staff. There is money in their existing budget to hire special tech policy analyst to help legislators access that and use

that, although it may be possible, depending on what the IRS says about the use of their blurred data base that it may be possible that legislators could have a terminal where they could directly access the modeling capability, but probably not the data bases.

SENATOR MCCARLEY: Okay. Thank you.

Floor Amendment adopted.

Ordered to third reading.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. Wildlife and Recreation Committee. Vote 3-0. Ought to Pass, Senator Roberge for the committee.

SENATOR ROBERGE: This resolution is aimed at a rule proposed by the United States Department of Agriculture that would require all apple cider, offered for sale, to be pasteurized. There are more than 60 small cider mills in New Hampshire. Almost all, are family owned and operated and would most likely be forced to close if this law is adopted. The cost of purchasing, installing and operating the equipment required for pasteurization, are beyond the means of all but the very largest commercial cider producers. The committee heard that there are equally effective, but less expensive methods of processing that achieve the same standards of purity as pasteurization. HCR 35 urges the USDA to defer the proposed rule and consider adopting processing standards that achieve the same standards of public safety at more reasonable costs. The committee, unanimously recommends ought to pass.

Adopted.

Ordered to third reading.

SUSPENSION OF THE RULES

Senator Russman moved that the Rules of the Senate be suspended to allow for a bill to not have a five day hearing notice in the calendar and committee report in the calendar.

Adopted by the necessary 3/5 vote.

HB 1369-FN-L, clarifying authority to regulate asbestos. Environment Committee.

SENATOR RUSSMAN: This bill is a request of the Department of Environmental Services authorizing clarifying authority to regulate asbestos. I would read the letter from Phil O'Brien, Director of DES, that part of it. "As you have likely heard, the subject bill was sent to the Senate for a hearing, for which I am told will be scheduled for a hearing in the Senate this coming week. I want to ask on behalf of the department, that you urge the Senate to accept the bill for hearing in the House ED & A and EA, have approved the bill after lengthy discussion and have invested heavily in time and effort to bring this bill to a successful conclusion. The New Hampshire Department of Justice feels that our existing authority for managing asbestos may be inadequate and HB 1369 provides explicit authority to resolve the authority issue. Also, we want to be sure to maintain state control over the federal asbestos regulations by keeping our delegated authority to run the National Emissions Standards for Hazard Air Pollutants Program. Finally, a successful House 1369 will provide a regulatory framework within which the state can

negotiate with EPA to grant more flexible and cost effective asbestos waste disposal site standards for the benefit of property owners, including the city of Nashua and the town of Hudson. Therefore, with your constraints, which we would respectfully request that you support hearing the bill and its passage." I will do whatever, obviously, the body wants, but apparently it is a bill which the House must have got over to us late and it is sponsored only by Representative Musler from E & A. It does those variety of things. It allows us to continue on administering the federal program and gives us other authority as far as site standards. I have looked over the bill and it appears to be reasonable, in terms of what it does. So whatever the body wants to do on it is fine.

Senator Russman moved ought to pass.

Adopted.

Ordered to third reading.

Taken off the table

Senator Gordon moved to have **HB 1611**, recodifying the state's DWI laws, taken off the table.

Adopted.

HB 1611, recodifying the state's DWI laws.

SENATOR GORDON: This bill was discussed earlier today, recodifying the state's DWI laws. As you remember, the sponsor in the House...we changed the bill to make it a study committee of House members only. When we did that, the House indicated that it did not have an interest in going forward with the bill. I have an interest in going forward with the bill because I have a liquor liability amendment. I understand that there may be some interest in the House in considering that. So I would like to amend the bill to put on a liquor liability. That is the purpose of bringing it forward. If you could pass the bill, then I will offer my amendment, which will replace the bill in its entirety.

Question is on the adoption of the committee amendment (4560).

Amendment failed.

Senator Gordon offered a floor amendment.

2000-4607s

08/09

Floor Amendment to HB 1611

Amend the title of the bill by replacing it with the following:

AN ACT relative to liquor liability insurance coverage and retail selling.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Alcoholic Beverages; Liquor Licenses and Fees; Insurance for Liquor Liability. Amend RSA 178 by inserting after section 2 the following new section:

178:2-a Insurance for Liquor Liability.

I. If the commission finds that a licensee or applicant has violated RSA 179:5, the commission may require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee to a limit of not less than \$100,000 to any one person and \$200,000 to all persons.

II. Effective 60 days after the inception of a liquor liability insurance contract, no notice of intention to terminate the contract or, if the contract is a renewal, no notice of intention not to renew the contract shall be effective unless the insurer at least 60 days prior to the effective date of cancellation or the end of the contract period, as the case may be, mails or delivers to the insured, and to the commission, at the address shown on the policy such notice of intention not to renew, except where cancellation is for nonpayment of premium, or where the insured no longer has a license. If cancellation is for nonpayment of premium pertaining to contracts required pursuant to paragraph I, the insurer shall not cancel such liquor liability insurance except upon 30 days prior written notice to the licensee and the commission.

III. The commission shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria necessary for a certificate of insurance for liquor liability to be required for the issuance of a liquor license.

2 Retail Installment Sales; Retail Selling; Disclosure, Exceptions; Telephone Number; Limitation. Amend RSA 361-B:2-a, I(c) to read as follows:

(c) *In the case of a telephone solicitation, an address or a telephone number for customer inquiries and complaints.*

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

2000-4607s

AMENDED ANALYSIS

This bill:

I. Permits the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee or applicant provide a certificate of insurance for liquor liability of the licensee if the licensee or applicant has violated the prohibition on serving minors or intoxicated persons.

II. Limits to telephone solicitation the telephone number for customer inquiries and complaints disclosure that certain home solicitation sellers must provide, and permits disclosure of an address instead of a telephone number.

SENATOR GORDON: The amendment, I think that I explained it earlier, this has to do with liquor liability. This is a requirement that if you are a liquor establishment, either a store or a tavern, and you have repeated incidents of selling to minors or to people who are already intoxicated, that this gives the commission authority to impose financial responsibility the same way that you have it with your driver's license. So that you would have to have liquor liability insurance, under certain circumstances. It is not a requirement in all cases, but only when the commission finds that you have been a consistently repeated offender.

Amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Francoeur moved reconsideration on **HB 1621-FN**, allowing administrative home confinement for habitual offenders, whereby we ordered the bill as inexpedient to legislate.

Adopted.

HB 1621-FN, allowing administrative home confinement for habitual offenders.

Senator Francoeur moved ought to pass.

SENATOR FRANCOEUR: I would like to offer the motion of ought to pass so that I may offer a floor amendment.

Adopted.

Senator Francoeur offered a floor amendment.

2000-4351s

05/10

Floor Amendment to HB 1621-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Habitual Offenders; Penalties; Home Confinement. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he *or she* shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility *and the court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 on such terms and conditions as the court may order, for the minimum mandatory term or any portion thereof, provided the offender first serves 8 consecutive weekends or 14 consecutive days of imprisonment prior to eligibility for home confinement. Habitual offenders shall only be eligible for the home confinement sentencing option once per lifetime.* Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Discretionary Sentences; Release for Purpose of Gainful Employment or Rehabilitation; Home Confinement. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment [or], Rehabilitation *or Home Confinement*. Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, *or to serve the sentence under home confinement, provided the offender first serves 8 consecutive weekends or 14 consecutive days prior to eligibility for home confinement*, or for such other purpose as the court may deem conducive to his *or her* rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the

free community, *or in home confinement*, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his *or her* conduct, custody and employment, he *or she* shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his *or her* term.

3 Effective Date. This act shall take effect January 1, 2001.

2000-4351s

AMENDED ANALYSIS

This bill provides for home confinement, with certain criteria to be met, as a means to serve habitual offender sentences and certain discretionary sentences.

SENATOR FRANCOEUR: I will give you a little bit of history so that we can remember HB 1621. This was the habitual offender for driving offenses. The Senate killed the home incarceration on this bill, a couple of weeks ago. Voting on the prevailing side, Senator Fernald asked for reconsideration of the bill. At that time, I spoke with some of the sponsors and told them that the Senate had a real problem with nobody spending any time, if they were habitual offenders, after multiple offenses. After speaking to the sponsor of the bill in the House, we came to, what I think, is probably a reasonable compromise for all sides. I felt that an individual, after they have committed all of these numerous offenses, to get to be a habitual offender, should serve some jail time. So what the amendment does, it says that you can either have eight consecutive weekends or you can have two weeks straight in prison, and then you are eligible for home confinement. You can only have home confinement once in your lifetime. So if you get a habitual offender a second time, then the second time it is not even an option.

SENATOR TROMBLY: Senator Francoeur, you will remember that I sponsored a bill relative to a lifetime loss of license for death resulting from a DWI?

SENATOR FRANCOEUR: Yes.

SENATOR TROMBLY: The House has amended, I believe, their version of this bill, onto that, and we have a Committee of Conference set up. Am I correct in recollecting that?

SENATOR FRANCOEUR: Yes. Senate Bill 436 is the bill number.

SENATOR TROMBLY: Them having done that, is it your indication that if we meet, other than the other disasterly thing that they did to my bill, that they will agree with this language?

SENATOR FRANCOEUR: I talked to Representative Lozeau and the Speaker of the House and a couple other members. They agreed to this language and they had already put that language...I believe the committee had already put that language and sent it to the floor and for them to bring it back and do the correction, it was going to be too complicated, but they agreed to take that off of your bill.

SENATOR TROMBLY: Thank you.

SENATOR PIGNATELLI: The fact that we are considering this bill again allows me the opportunity to admit that I made a mistake when we voted originally. I have always voted against home confinement for habitual offenders, probably three or four times since I have been in the Senate, and probably in the House before that. This time, during the hearing,

it appeared that there was testimony, that probably home confinement was going to be enough for some of these habitual offenders, so I voted for the home confinement. I voted to pass the bill. Since then, I have had second and third thoughts about my vote. So I am correcting, for the record, how I should have vote on that. I plan to vote for this amendment because it is stronger than the original bill, but if this amendment fails, and we are again voting on the habitual offender home confinement bill, I will do what I consider to be the right thing for me and vote against home confinement on the final vote. Thank you very much.

Floor Amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Trombly moved reconsideration on **HB 1171**, restricting the payment of salaries to suspended judicial officers, whereby we ordered it as inexpedient to legislate.

Adopted.

Senator J. King moved ought to pass.

Adopted.

Senator J. King offered a floor amendment.

Sen. J. King, Dist. 18

Sen. F. King, Dist. 1

2000-4465s

10/09

Floor Amendment to HB 1171

Amend the title of the bill by replacing it with the following:

AN ACT relative to optional early retirement for judges.

Amend the bill by replacing all after the enacting clause with the following:

1 Supreme Court; Retirement of Justices. Amend RSA 490:2, II to read as follows:

II. As additional compensation for services rendered and to be rendered, any justice of the supreme court who retires upon attaining the age of 70 years and after having served as such justice for at least 7 years, or after attaining the age of 65 years and after having served as such justice for at least 10 years, ***or after attaining the age of 60 years and after having served as a full-time justice in the supreme, superior, district, or probate courts for an aggregate of at least 20 years,*** shall receive annually during the remainder of his ***or her*** life an amount equal to 3/4 of the currently effective annual salary of the office from which he ***or she*** is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

2 Superior Court; Retirement of Justices. Amend RSA 491:2, II to read as follows:

II. As additional compensation for services rendered and to be rendered, any justice of the superior court who retires upon attaining the age of 70 years and after having served as such justice for at least 7 years, or after attaining the age of 65 years and after having served as such justice for at least 10 years, ***or after attaining the age of 60 years and after having served as a full-time justice in the supreme, superior, district, or probate courts for an aggregate of at least 20***

years, shall receive annually during the remainder of his **or her** life an amount equal to 3/4 of the currently effective annual salary of the office from which he **or she** is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

3 District Court; Retirement of Justices. Amend RSA 502-A:6-a, III to read as follows:

III. As additional compensation for services rendered and to be rendered, any justice of a district court who retires upon becoming 70 years old after having served as a justice for at least 7 years, or who retires after becoming 65 years old after having served as a justice for at least 10 years, **or after attaining the age of 60 years and after having served as a full-time justice in the supreme, superior, district, or probate courts for an aggregate of at least 20 years**, shall receive annually during the remainder of his **or her** life an amount equal to 3/4 of the currently effective annual salary of the office from which he **or she** is retired, to be paid in the same manner as the salaries of the justices of the court are paid. Any justice who is a member of the state or a local retirement system on January 1, 1984, shall forthwith cease to be a member of that system. The accumulated contributions made by such justice shall be paid out of the retirement trust fund to the justice.

4 Tenure of Judges; Reference Changed. Amend RSA 493:3 to read as follows:

493:3 Optional Retirement. Any supreme [~~or~~], superior, **district, or probate** court justice who has attained the age of [65] **60** years may retire. He **or she** shall give 30 days' notice of [~~his~~] **the** intention to retire to the chief justice **or administrative justice** of his **or her** court and to the governor and council. If a chief justice **or administrative justice** wishes to retire, he **or she** shall give 30 days' notice of [~~his~~] **the** intention to retire to the senior associate justice of his **or her** court and to the governor and council. The vacancy created by the retirement of a justice shall be filled according to law.

5 Effective Date. This act shall take effect 60 days after its passage.

2000-4465s

AMENDED ANALYSIS

This bill allows judges to retire at age 60 with at least 20 years of aggregate service as a full-time judge in the supreme, superior, district, and probate courts.

SENATOR J. KING: Over my years in the Senate, many others and I have worked to update and improve the New Hampshire Retirement System so that retirees and their families would end up with the best system possible. This bill would be providing an update to the Retirement Plan of the judges of the state of New Hampshire. The bill does two specific things. First, it provides language that allows judges to receive a retirement based on an aggregate of the judges years of service. In other words, if a judge started in a district court, went to a probate court and finally the supreme court, all of those years of service would be added together. I think that they do that now, but it is not in the statute. The second change provides that any judge who obtains the age of 60, and has 20 years or more of service, may retire at 60 years old. Again, service years shall be the total years in one court, if they served it all in one court, or the total years served aggregate, and all of the different courts. Again, this change affects only the full time judges. Currently, the law provides two options. A judge who has seven years of service and reaches age 70 years of age is provided full retire-

ment. Seven years service, seventy years of age, full retirement. A judge may retire at 65 years of age, after having served as a full time judge for at least ten years. This legislation would add another category, which allows for judges to retire at the age 60 if they have 20 years of service or more of service. Our New Hampshire Retirement System for our employees has this provision. This bill would provide the same benefit to full time judges serving the New Hampshire courts, whether it be district court, probate court, superior court or the supreme court. Currently, retirement is part of the package when they are hired, even though they do not have to pay or contribute to the fund. The state pays the judges current retirement plan through the general fund. They can retire at 3/4's of the pay. As I said, I have worked on a lot of the retirement bills and I think that this is a fair thing and it should be passed for the judges in the state of New Hampshire.

SENATOR ROBERGE: Senator King, is there any provision for judges to pay into their own retirement in this bill?

SENATOR J. KING: No there is not at the present time. They are working on one. They have been working on it for five years. So when they get to that...I would imagine...I don't know if they are going to have to pay for it, because they actually don't pay anything now. Whether the new one will have it that way, nothing has come out as of yet.

SENATOR ROBERGE: Is this effect the judges that haven't retired yet?

SENATOR J. KING: This bill here?

SENATOR ROBERGE: Yes.

SENATOR J. KING: This bill will affect any judges that gets over 20 years of service, if it goes into effect. Anybody with 20 years of service can retire at 60 years old.

SENATOR ROBERGE: Oh, on passage? Sixty-days after passage?

SENATOR J. KING: Oh, you mean the bill, yes.

SENATOR FRANCOEUR: As I read the bill and it talks about the justices and the Supreme Court, with the controversy that is before the legislature right now, I don't know if it is wise to deal with this type of legislation, especially where we are going to sit here to judge it. If that is the case, Senator King, I can't support it. I think that it is a good idea. I think that it is something that we ought to take a look at, but maybe the timing is wrong. I didn't know if...I haven't heard any testimony on the bill whether it was talked about, maybe putting it off for a while until things calm down and quiet down in the state and then we take another look at it. But I think that the public perception out there is going to be that we are doing something that we shouldn't be or...we could possibly wait a little while and maybe do it later.

SENATOR J. KING: I don't look at it that way. As I said, I have worked on retirement bills for everybody in the state of New Hampshire in the past six or eight years. I don't look at this...it does not just deal with the Supreme Court, it deals with every other court and even the ones that are on the Supreme Court that have been found guilty of nothing yet, and I don't think that we should look at it one way or the other...whether it is going to help them or hurt them or effect them in any way. That is why I think that it is a neutral position if you take it from that point of view. You will have to draw your own conclusion from that.

Recess.

Out of Recess.

SUBSTITUTE MOTION

Senator Francoeur moved to substitute interim study for ought to pass with amendment.

HB 1171 is referred to interim study.

Senator Gordon offered the following Resolution:

2000 SESSION

00-2819
03/09

SENATE RESOLUTION 15

A RESOLUTION relative to the redistricting of the town of Alexandria following the 2000 census.

SPONSORS: Sen. Below, Dist 5; Sen. Gordon, Dist 2

COMMITTEE: [committee]

ANALYSIS

This senate resolution expresses the senate's desire to place the town of Alexandria in state representative and senate districts that include towns to Alexandria's north and east following the 2000 census.

00-2819
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION relative to the redistricting of the town of Alexandria following the 2000 census.

Whereas, the town of Alexandria is currently in a state representative district with the towns of Canaan, Grafton, and Orange, which are west of Alexandria; and

Whereas, the towns of Canaan, Grafton, and Orange are also in the same state senate district as Alexandria; and

Whereas, the 3,121-foot peak of Mount Cardigan serves as a geographical impediment between Alexandria and other towns in its state representative district; and

Whereas, the town of Alexandria shares the shores of Newfound Lake with the towns of Bristol, Bridgewater, and Hebron, which are north and east of Alexandria; and

Whereas, the town of Alexandria is in the Newfound school district with the towns of Bridgewater, Bristol, Danbury, Hebron, Groton, and New Hampton, which are north and east of Alexandria; and

Whereas, the business and social activities by residents of Alexandria are primarily with the other towns in the Newfound school district; and

Whereas, the towns north and east of Alexandria are in different state representative and senate districts than Alexandria; and

Whereas, it has been at least 3 decades since Alexandria has been in a state representative district with commonality of interests and geography; and

Whereas, commonality of interests make it more sensible that Alexandria be represented in the legislature together with towns to its north and east, rather than with towns to its west; and

Whereas, state representative and senate districts will be reconfigured following the 2000 census; now, therefore, be it

Resolved by the Senate:

That the senate hereby declares its desire to place the town of Alexandria in state representative and senate districts that include towns to Alexandria's north and east following the 2000 census.

SENATOR GORDON: I rise to offer SR 15. This is a resolution, which Senator Below and I have cosponsored. It involves the town of Alexandria. At the beginning of this year, the town of Alexandria put in a House Bill. The House Bill was to urge the House to...it was a Joint Bill to go to the House first. It went to the House first asking that they be redistricted in the next redistricting process. The reason for that is, if any of you are familiar with Alexandria, Alexandria is a House district with four towns. Three of the towns are Grafton, Cannan and Orange, and they are with Alexandria. There is a problem with that. The problem with that is called Mount Cardigan. Mount Cardigan happens to isolate Alexandria from the other three towns. There is absolutely no community of interest between the four towns. What is the problem with that? The problem is that Alexandria is a small town, so it is impossible for Alexandria ever to get anyone elected because they don't have enough votes with three other towns voting. They have no community of interest with the other towns, and they have gone for some period of time without ever having a representative directly from their town in the general court. There school district, for example, goes to the other side of the mountain. It focuses in on Bristol, which is sort of the hub of their activity. Sort of their center of the universe, as opposed to Canaan, Grafton and Orange, which seem to focus in on Canaan or over in the Lebanon area. There are two different watersheds. One watershed is the Merrimack watershed and the other one is the Connecticut watershed. So there is no interest. So what they did was they came down with a number of petitions and speakers to the House and asked that they be redistricted. The House took the position that they don't want to entertain bills from every single town asking to be redistricted, so they killed the bill in the House. What we are asking you today is to join with us, supporting the town of Alexandria and the people of Alexandria just to simply urge that when the redistricting is done, that consideration be given to moving Alexandria over with the communities to their east and north.

SENATOR BELOW: I rise in support of this to move Alexandria in another Senate District, but it is perhaps the most remote town from all of the other towns. Just for the record, on line 10, it mentions Danbury as being one of the towns being to the North and East. Danbury is actually to the South. I don't want Danbury to be moved from my Senate district. Thank you.

SENATOR DISNARD: Senator Gordon, would you believe, I was cochairman of the last redistricting and the Senate agreed that they would not tell the House where to put their districts and the House agreed that they wouldn't tell the Senate communities who would be in what Senate districts? Would we be breaking the unwritten agreement?

SENATOR GORDON: I wouldn't believe that we would be breaking any unwritten agreements, Senator Disnard.

SENATOR DISNARD: Do you think that it may be dangerous to set a precedent? The House hasn't told us, for now, what Senate district communities should be in, yet we want to suggest, strongly to the House what their districts should consist of. Is that realistic?

SENATOR GORDON: Well, the fact is that when a constituent comes and asks that they don't feel as though they are being represented in the way that they would like to be represented, that I believe that we have a certain responsibility to try and do something about that. If that means that we should go to the House and suggest that maybe they might want to reconsider the way that they have redistricted, then I think that is a responsible thing to do.

SENATOR RUSSMAN: Senator Gordon, would you believe that after the transpiration's that have gone on with the House, this session, I think that we don't have to worry too much about hurting anybody's feelings?

SENATOR GORDON: I would believe that.

Adopted.

TAKEN OFF THE TABLE

Senator Disnard moved to have **HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards, taken off the table.

Adopted.

Senator Disnard offered a floor amendment.

Sen. Disnard, Dist. 8

Sen. McCarley, Dist. 6

2000-4583s

08/10

Floor Amendment to HB 1414

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, and extending the reporting date of the committee to study the requirements for usage of MTBE.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect upon its passage.

2000-4583s

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

SENATOR DISNARD: House Bill 1414 was discussed at length this morning. I realize that people are in a hurry to go home, but I would like to indicate that this would remove section four from HB 1414. That is the section where the municipal association is concerned. Several of my

communities are concerned, that it could be a 28-a issue or it could be that some of our attorney of the Senate has suggested that it could be a 541-A:25 issue. It relates to a generation **TAPE CHANGE** they are convinced, some legal people to be redundant are convinced, that the state can not, through the present constitution, suggest or tell them that if they change or extend any aspects of this generating system that they would have to pay a fee. Also, I do not strongly believe that what we did several hours ago, when we passed an amendment that indicated, a change in our constitution, that any community that purchased or extended an electric utility, would not have to follow the 28-a issue. I think that is unrealistic. I don't think that we have the authority to change that portion of the constitution, relating to mandated costs to communities. So this bill, and I hope that you will strongly consider it, will remove this session from HB 1414.

SENATOR RUSSMAN: I am going to have an amendment after this, that will limit it to essentially, fossil fuel plants, because we are not worried about dams. If they want to buy dams, that is fine, and the certain liabilities that go along with those, that is okay...that they be subjected too. But in the fossil fuel plants, if they buy a share...then you get real trouble in terms of the regulatory process and how you do that. I will have an amendment after this amendment that will address that issue in terms of just those types of plants that the municipalities really shouldn't be getting involved with.

SENATOR DISNARD: TAPE INAUDIBLE want that 28-a issue or 541-A:25...still in some legal minds be applicable?

SENATOR RUSSMAN: No, because if they are not allowed to in the first instance, to getting involved with buying interest in fossil fuel plants, then there is no issue. If they can't buy them, they wouldn't be involved with that.

SENATOR BELOW: I urge you to defeat of this floor amendment. I think that it is important to set a policy that says that if municipal electric utilities want to own and generate...have power plants...going forward, and compete in the competitive market, selling electricity to consumers outside their municipality, they should understand that they are playing on a level playing field with the private sector, with environmental and safety regulations. I would urge defeat of this amendment.

SENATOR DISNARD: TAPE INAUDIBLE facility?

SENATOR BELOW: Well then we shouldn't need this amendment because the way that the bill stands right now, it refers to that if after July 1, 2000, they establish, expand, take, purchase, lease or other acquire...

SENATOR DISNARD: What was that second word?

SENATOR BELOW: Expand.

SENATOR DISNARD: Thank you very much.

SENATOR BELOW: Expand the generating capacity.

SENATOR WHEELER: I too, rise to oppose this amendment. There really is no point in the bill without this amendment. The rest is just feel good stuff. It makes us think as though we have done something, but we haven't, except to put something more in our statutes that we don't need. This, the Below amendment, which we have already adopted, is incredibly important. I fail to see why certain utilities should be allowed to expand, purchase, lease or otherwise acquire a plant and not have to be

subject to environmental and safety regulations that we feel are important for other plants. It makes a very unlevelled playing field, and I say why bother with environmental and safety regulations if we pass this?

SENATOR RUSSMAN: I rise in opposition to the floor amendment. I have had a chance to look at the amendment that I proposed, and while it doesn't deal with...it allows them to have hydro electric, but it prohibits them from buying generating capacity, which could conceivably, I suppose, if you really want to stretch it, which we like to do around here, emergency generators of some kind. The other problem is this, in the face of utility deregulation, it may put the towns at some advantage or what have you, that the private sector wouldn't have in terms of either selling power or what have you. So again, it doesn't help to level the playing field, in terms of electric deregulation and so on. I would also urge...and I won't be going forward with my amendment, assuming that this amendment is defeated, I would not put mine forward, if this is defeated.

A roll call was requested by Senator Gordon.

Seconded by Senator Francoeur.

The following Senators voted Yes: Johnson, McCarley, Trombly, Disnard, Roberge, Eaton, Pignatelli, J. King, D'Allesandro.

The following Senators voted No: F. King, Gordon, Fraser, Below, Squires, Francoeur, Larsen, Krueger, Brown, Russman, Wheeler, Klemm, Cohen.

Yeas: 9 - Nays: 13

Floor amendment failed.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Pignatelli moved to have **HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority, taken off the table.

Adopted.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

Question is on the committee report of ought to pass.

Adopted.

Senator Pignatelli offered a floor amendment.

Sen. Pignatelli, Dist. 13

Sen. Squires, Dist. 12

Sen. Francoeur, Dist. 14

2000-4567s

01/09

Floor Amendment to HB 1106

Amend the title of the bill by replacing it with the following:

AN ACT making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority and relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system.

Amend the bill by replacing all after section 2 with the following:

3 Applicability. Within 10 days of the effective date of sections 1 and 2 of this act, the house clerk shall send copies of sections 1 and 2 of this act to each member of the New Hampshire congressional delegation.

4 Statement of Intent. The general court recognizes that building additional toll booths create safety concerns and pollution issues. The general court also recognizes that more toll booths detract from the New Hampshire scenery and negatively impact the New Hampshire tourism industry.

5 Proposed Toll Booths Eliminated. The department of transportation shall eliminate the proposed toll booths for the city of Nashua.

6 Alternatives to Toll Booth System Required; Department of Transportation. The commissioner of the department of transportation shall recommend alternatives to the statewide toll booth system. The commissioner shall submit a report on or before November 1, 2000 with recommendations for legislation to the senate president, the speaker of the house, the chairpersons of the senate and house transportation committees, and the governor.

7 Effective Date. This act shall take effect upon its passage.

2000-4567s

AMENDED ANALYSIS

This bill directs the commissioner of transportation to give the widening of Interstate 93 from Manchester to the Massachusetts border very high priority.

This bill also eliminates proposed toll booths in Nashua and requires the commissioner of the department of transportation to create alternatives to the state's toll booth system.

SENATOR PIGNATELLI: While this amendment is being passed out, I can tell you that HB 1106 is making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. This amendment that Senator Squires and Senator Francoeur have generously agreed to sponsor with me, is our old friend, the repeal of the Nashua toll booths. This is like Leo Fraser's bill - an amendment that keeps coming back. This amendment is on this bill, first of all because it is germane, and second of all because I have been told by the House that the amendment that we added onto HB 2000, the Ten-Year Highway Plan, has a good chance of staying on HB 2000 and passing. In that case, what I will do is...or what I hope the House will do when we send this back is to have a Committee of Conference. If that amendment stays on HB 2000, the Ten-Year Highway Plan, I would agree to take this off of HB 1106 and have that move forward without any amendment. I know that it is an important bill. I would appreciate your support.

Floor Amendment adopted.

Ordered to third reading.

TAKEN OFF THE TABLE

Senator Francoeur moved to have **HB 1241**, relative to third person liability under the workers' compensation law, taken off the table.

Adopted.

Question is on the committee report of ought to pass.

SENATOR FRANCOEUR: House Bill 1241 is intended to clarify under insurance coverage claims. This is the result of a recent Supreme Court case. The bill clarifies that under insured motorist insurance coverage does not cover workers' compensation claims. Half of the committee recommended this bill ought to pass.

SENATOR MCCARLEY: The committee recommended, as you said, a split vote. There was a recommendation of inexpedient to legislate, which I will be happy to speak to at this time. I can briefly report it out or speak later or speak at this time to the bill. Okay. This is a longer statement than I intended. I am going to do my best actually to shorten it up, but this is not a simple bill, in my opinion. You actually have to spend a little time listening to what this bill is all about. I would say that this is not a workers' compensation bill. This is an insurance company bill. I think that what we need to do is to indeed declare the bill inexpedient to legislate, thereby basically upholding, a recent Supreme Court decision. The situation is this: We have workers' compensation laws on the books that basically protect a situation where one employee injures another employee on the job. But separate from that, and those are good laws, they don't pay out a lot, but they are decent, they are good, they are protections for employers, employers pay into them in terms of their workers' compensation taxes and what have you. But we also have, and most everybody here probably has an uninsured motorist coverage with their insurance company. You have to. Thank you, Senator Fraser, even better. You have to have one. And guess what? You have to pay for that. As an individual, regardless of who you work for or anything else. Basically there was an accident on the job involving two employees. Because workers' compensation says that employees can't sue each other, the employee who caused the accident, indeed had no insurance coverage. The Supreme Court said 'you know what, we agree with you.' They didn't have any insurance coverage, so you know what? You can go after them. The injured party can go after them...in this case the injured party was a she, she could go after her own uninsured motorist coverage. Now I personally think that makes a lot of sense. I think that indeed if you have paid...and the fact that it happens to be you ran into another...another employee ran into you, the workers' compensation laws that deal with the particular issue if fine, but in this case, you also have your uninsured motorist coverage...the Supreme Court said you know, if you can't sue somebody, which is what workers' compensation says, then that person doesn't have any insurance. I think that we should support that decision. I think that it truly does speak to all of our rights in terms of the insurance company. Now I know that there was an implication that somehow or another this might put increased pressure on rates for the uninsured motorist coverage. But you know what? It might also see a decline in the use of workers' compensation dollars. You might see specifically very little change. So I would argue that this is indeed an issue that we should be behind and support the inexpedient to legislate. I would be happy to try and answer any questions on this if the need be.

SENATOR BROWN: Senator McCarley, so that I understand, if this passes, does that mean that the lady that you spoke about would have had no recourse at all?

SENATOR MCCARLEY: She would have access to whatever she gets from workers' compensation benefits, but she would have no ability to go after other...Workers compensations benefits, frankly, do not pay hugely, as many of us know, in terms of what they cover for your medical needs and what have you. They are not widely generous. She would indeed not have been able to go to her uninsured motorist coverage and get additional coverage, but she is also not allowed to double dip. That is the other important thing that you need to understand. The way the workers' compensation law, apparently applies, they have a lien on other coverage, so there is no ability for double dipping here, which was another concern that was raised that I think is just not accurate. So, yes, to answer your question.

SENATOR FRANCOEUR: Just to try and clarify the situation. This result is from a law case that went to the Supreme Court called the Gorman Case. I am going to give you the example so that everybody understands what happened here. This one company has a dump truck. The same company loader is loading the dump truck. A rock or a stump falls over the front on the cab and injurers...it either shakes the driver and injurers her. Both vehicles owned by the same company. All employees are employed by the same company. When you look at...the first concept to remember is that workers' compensation is and always has been designed to be the sole source of recovery for employer(ees) injured on the job, which is RSA 281-A:8. It states that "employees shall have presumed to have accepted workers' compensation and have waived all rights of action against their employer, employers insurance carrier, except in the case of intentional torts against any officer, director, agent, servant, or employee, acting on behalf of the employer." The second concept to understand is that in order to access uninsured, underinsured motorist coverage of an automobile insurance policy, there must first be an accident with another motor vehicle. The other driver is at fault and the other driver is uninsured or underinsured to pay fully damages. I ask you, between the two vehicles that collided in this case went to court, what is the uninsured vehicle? They are both insured by the same company. There was a letter to the Insurance Committee, to Senator Wheeler, from the Insurance Commissioner. It says, "I am writing in regard to HB 1241 in response to the New Hampshire Supreme Court decision. Gorman versus National Grange Mutual Insurance Company. The Gorman decision allowed the plaintiff to pursue recovery against your own underinsured motorist coverage for losses not covered under the employees workers' compensation policy. Historically, this old remedy concept, under pitting the New Hampshire Workers' Compensation statutes, was perceived to have prevented this access. As you know, the workers' compensation system is based on a fundamental quid pro quo. The employees divided the no fault workers' compensation benefit and the employers provided toward immunity in exchange. Presently, premium rate filings used for supporting premiums charged for uninsured insurance motorist coverage, in private passenger automobiles do not contemplate the implications of the Gorman case. It would be likely that the potential recovered in the actual recoveries, would generate upward pressure on the uninsured motorist premium." As you can hear, the commissioner has looked at this and she understands that the premiums paid on our uninsured motorists are not to cover workers' compensation claims and that is why the commissioner supports HB 1241 as it came over from the House.

SENATOR WHEELER: Senator Francoeur, is uninsured motorist coverage free?

SENATOR FRANCOEUR: Uninsured motorist coverage, we all pay for, for those that are not having any insurance.

SENATOR WHEELER: So if we are paying for it, shouldn't we be able to use it when it is necessary?

SENATOR FRANCOEUR: If you believe that your premiums are based on the expenses that are incurred during it then vote no. I don't believe that my premiums are based to cover workers' compensation claims and they will rise accordingly to cover that. I do support the legislation. I believe that is why the Commissioner, Paula Rogers also supports this.

SENATOR WHEELER: I guess this is a would you believe? I believe anyway, that the commissioner had to back track a little on that. It is

my understanding that that was not a totally accurate reflection of the situation. I think that most of us understand that there is no double dipping in this. So would you believe that?

SENATOR FRANCOEUR: I believe that I have a letter right here, by the commissioner that states exactly what I read in the beginning of the hearing.

SENATOR BROWN: Senator Francoeur, in the story that you told us, there were two vehicles. I am assuming...you mentioned that they were insured.

SENATOR FRANCOEUR: They are both vehicles owned by the same construction company, operated by employees of the same company.

SENATOR BROWN: Well my question is this: Why did the injured party have to sue the employees insurance, why not the employers auto, health or truck insurance or whatever it was?

SENATOR FRANCOEUR: I believe what happened here is that the workers' compensation came in and paid all of the claims and all of the benefits. There was supposed to be...then an attorney was involved in it, which it usually is in most of these claims. He came up and said 'they could go under their own, private, personal uninsured policy.' Now your car isn't involved in it and there isn't another uninsured vehicle under it. But that is what this is what this Gorman case reversed what has happened in the state for years and years of current legislation.

SENATOR BROWN: If this passes, Senator Francoeur, does it mean that that employee is not going to be able to recover her losses?

SENATOR FRANCOEUR: Her losses were recovered under her workers' compensation. That is how, if you get injured on the job...Another example would be, if you were on a job walking around, and a vehicle...a loader ran over you. You would be covered under the workers' compensation law. Just because it is two vehicles, this is a way that somebody has come up with to try and get around it.

SENATOR MCCARLEY: Would you believe that while we were told, indeed, that workers' compensation benefits are the exclusive remedy for citizens injured on the job, that I would respectfully contend that such a description is not accurate. That section 13 of the workers' compensation statute, clearly anticipates that injured employees can sue third parties who cause their injuries. If Ms. Gorman, the woman involved in this who was injured, were injured in exactly the same way that she was except that a stranger and not a fellow employee was driving the other vehicle, there would be no dispute that she would be able to recover under her uninsured motor coverage...if that person that caused the accident had no other coverage. In fact, if she failed to bring an action against such a third party, section 13 gives workers' compensation insurer, the right to bring such a claim. So would you believe that I actually don't think that it was ever intended to be the exclusive remedy and that I think that section 13 speaks specifically in the workers' compensation statute to that affect?

SENATOR FRANCOEUR: I haven't fully reviewed section 13, Senator McCarley, but I believe that section 13 is a third party, which would be somebody not in the company. If you were sitting on the side of the road and a motorist ran into you that was uninsured, yes, but who is uninsured, the loader, the truck? They are both insured and they are both insured by a carrier.

SENATOR MCCARLEY: And in this case, would you believe that the Supreme Court has determined that indeed, that employee, by virtue of workers' compensation legislation set up, in essence, had no coverage? That person who caused the accident, would you believe the Supreme Court said, had no coverage? In essence, therefore, the person who has been paying a premium, paying their own premium for uninsured motorist coverage, ought to be able to access that coverage?

SENATOR FRANCOEUR: **TAPE INAUDIBLE.**

SENATOR FRASER: I am tired, I don't know about everyone else in this room. First of all, I have to correct Senator McCarley. She talked about that they get scant payments for their medical expenses. Workers' compensation claimants get 100 percent of their medical. Okay? Number two, as the law that we pass every year, workers' compensation laws are made to changes. The employee gets 60 percent of their average weekly wage from workers' compensation. Number three, it was never contemplated that if you collect workers' compensation benefits, you also have the right to sue a fellow employee. Four, uninsured motorist coverage has to do with motor vehicle accidents. That is what it was contemplated for. Those laws are on the books today and are things that we over the last 50 years or so have passed. In this particular case, you have two employees, one of them got hurt, and that by the way, my understanding of the Gorman case, that that woman did collect benefits. She collected workers' compensation benefits. But then she wanted to go after her own uninsured motorist coverage because of the fact that it was two vehicles of the same owner, plus they were insured by the same company. The Supreme Court said that she could do it. I, personally, being a company man, you talk about this being a company bill, I think that the Supreme Court was wrong. Maybe I am wrong, but what they said, the rationale as I understood it, was pretty good, except that it was never contemplated that these two trains would ever meet. That is why I am saying that we ought to pass this bill. I support Senator Francoeur's motion of ought to pass, because I think that what the Supreme Court did, so far, as to what should be covered and what is not covered, the Supreme Court made a mistake.

SENATOR RUSSMAN: I hadn't expected to speak either, but having feeling somewhat compelled to speak. The notion here is, if you are a worker, you are entitled 60 percent of your salary or your wages. If you can go after the uninsured, you can recover 100 percent. I don't know about you, but I certainly would rather get 100 percent of my wages if I was injured than 60 percent. I don't know how many of you would really enjoy that. You would really enjoy getting 60 percent of your wages. If you think that is a good deal, then you probably ought to vote for this. If you think that it is fair to get 100 percent of your wages when somebody injures you, then you ought to vote against it. I think that we all agree that you ought to be able to get 100 percent of your wages. The lien gets paid back through the workers compensation, so you are not double dipping. They have a lien on it so they get it paid back. You have paid for the premium, so why shouldn't you be able to take advantage of what you have already paid for? I think that we ought to kill the bill.

SENATOR FRANCOEUR: Senator Russman, you mentioned the 60 percent that you get under your workers' compensation. If I get \$1000 a week, I would get \$600 take home pay. Is that not because the **TAPE CHANGE**

SENATOR TROMBLY: Senator Russman, if you only get 60 percent of your pay because it is non taxable, does that mean that the employee would be in the 40 percent tax bracket in order to be made whole, if this bill passes?

SENATOR RUSSMAN: I am uncertain what the tax bracket is.

SENATOR TROMBLY: So if an employee is making \$15,000 a year, would their taxes at the end of the year, if their W-2 shows \$15,000 be a 40 percent tax liability?

SENATOR RUSSMAN: A little unlikely.

SENATOR TROMBLY: Thank you.

A roll call was requested by Senator Francoeur.

Seconded by Senator Squires.

The following Senators voted Yes: Gordon, Johnson, Fraser, Roberge, Eaton, Squires, Pignatelli, Francoeur, Krueger, Klemm.

The following Senators voted No: F. King, Below, McCarley, Trombly, Disnard, Brown, J. King, Russman, D'Allesandro, Wheeler, Cohen.

Yeas: 10 - Nays: 11

Senator Larsen (Rule #42).

Motion failed.

Senator McCarley moved inexpedient to legislate.

Committee report of inexpedient to legislate is adopted.

TAKEN OFF THE TABLE

Senator Russman moved to have **HB 1342-FN**, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge, taken off the table.

Adopted.

Senator Russman moved ought to pass.

Recess.

Out of Recess.

SENATOR RUSSMAN: I would like to speak briefly on this bill, because apparently people aren't ready for the vote of ought to pass. Having said that, the issue in HB 1342 boils down to two issues. Is it a 28-a issue matter? That is obviously a concern to people. And the other one is, is it necessary? Now this requires DHHS, which testified in favor of it, and DES said that they can do it with 18 months, to come up with a standard for known and possible carcinogenic materials in sludge. These are things that cause cancer in the communities. We should not hide our heads in the sludge, in an effort to not to know what those are. What the communities are saying...and this doesn't make the force the communities to adopt anything, but it at least says to us and to our constituency, we are going to find out what the standards should be for those carcinogenic possibilities and other chemicals that are involved in sludge. What is the safety level? Well we say that the feds haven't gone that far, so when is the last time that we all said the feds are the end-all for everything? We hear that the state of New Hampshire ought to have some say in this concerning where sludge is being processed and properly...maybe it should be, because obviously we

have to do something with it. But this does not force the towns to do anything. Sure, if down the road we find these things are cancer causing, we might say, 'ya, these should be treated differently and that may cost some money' and then it becomes a 28-a issue, but what the towns are saying now is that they don't want to know about it. Don't tell us about it if it is carcinogenic. We don't want to know that. So you ought to be able to say is it dangerous or isn't it, and set a standard and then make the decision, do you apply that standard and therefore create a 28-a possibility and actually have to pay for that out of state funds. So it is an important issue. It can be done. Our human services organization says that it should be done. Health and Human Services said that it should be done. We ought to listen to our state agencies. Should we just listen to the people in Washington? No. DES says that they can do it. Certainly we should be able to do that. Out of the 24 organic compounds listed in the bill, 16 are recognizable carcinogenic. So...most of the others are either known or suspected reproductive, respiratory, neuro, developmentally, or gastrointestinal intestinal toxicants. Those are nasty substances that we ought to at least know what they standards should be. I would urge you to adopt the bill.

SENATOR WHEELER: I truly believe that if you vote against this that you must believe that what you don't know won't hurt you, because that is what we are talking about here. These 24 compounds are a subset of the 128 volatile and semi volatile, organic compounds for which testing is performed in accordance with the sludge management rules. I am reading to you, very briefly, from the testimony in support of this bill from Paul Harp, who is the Health Risk Analysis of the Department of Health and Human Services. He went on to say "that this list of 24 compounds represents the contaminants most commonly detected in sludge's for which regulatory standards have not been established." In his conclusion, he says, "House Bill 1342 provides a very sensible alternative to prioritizing those chemicals most in need of immediate review. For these reasons, we urge you to support HB 1342." This would be a question of the legislature setting some important priorities for health and I think that we shouldn't lose sight of what we are talking about. We are talking about human health, and I think that it is our reasonability to safeguard human health. In fact, we have a constitutional mandate to protect the health and welfare of our citizens. So just ignoring possible carcinogenic and not even setting limits for them is not protecting human health. As far as setting stricter standards than the EPA, why not? I agree with Senator Russman, especially in light of the fact that on March 20, the inspector general for the EPA released a report on the EPA's oversight of the land application of sewage sludge. The Inspector General concluded that while the EPA promotes land application, the EPA cannot assure the public that current land application practices are protective of human health and the environment. If we truly care about human health and the environment, then we shouldn't be afraid to allow our Department of Environmental Services to set concentration limits for these 24 elements, what ever they are, volatile and semi volatile organic compounds. The House passed this. The House is not a real pushover for bills like this. They didn't have a problem with this bill. So I can't see why we suddenly feel that this is a dangerous sort of 28-a sort of an issue. It isn't. Thank you.

SENATOR JOHNSON: Quickly. I just want to mention that DES is not ignoring this issue. They testified that they will be working on it, but it is not the high priority that some people want them to bring forward. I want to remind you that the EPA has not adopted their standards yet.

So it is a 28-a issue. As Senator Russman mentioned, these were known carcinogenics and that is not the term that they used. They used "possible" carcinogenics. So with that, I ask you to vote this inexpedient to legislate.

Question is on the motion of ought to pass.

A roll call was requested by Senator Krueger.

Seconded by Senator Brown.

The following Senators voted Yes: Below, McCarley, Pignatelli, Larsen, Brown, Russman, Wheeler, Cohen.

The following Senators voted No: F. King, Gordon, Johnson, Fraser, Trombly, Disnard, Roberge, Eaton, Squires, Francoeur, Krueger, D'Allesandro, Klemm.

Yeas: 8 - Nays: 13

Senator J. King (Rule #42).

Motion failed.

Senator Johnson moved inexpedient to legislate.

Adopted.

HB 1342 is inexpedient to legislate.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

SENATOR RUSSMAN: This essentially is an issue over bonding. The House has taken out the bonding and put in \$3 million from the Economic Development Funds. While obviously there are many of us that would prefer to have the bonding and more money, there is no question about, but as a prime sponsor, I recognize that it has been a long, long struggle for the bill. There is a 115 groups out there from the BIA to others, that are in favor of the bill. I think that the way that this works at this point, if we resolve our Claremont issues next year, this does not kick in until July 2001, so if somehow we can come up with other permanent funding, and we will be back next year to look for permanent funding, in all honesty. It will be part of the mix and part of the debate. If we do and we pass whatever it is immediately, then this money will never be used, but if we don't, at least we know that it is there. The programs are off and running. I think that we ought to go forward with it and get that component done.

SENATOR DISNARD: Senator Russman, the \$3 million that might be used, could that be used by the Governor to assist with the department cuts, if it wasn't used for this purpose?

SENATOR RUSSMAN: I don't think that it can be. I guess my sense is, in economically good times, that would be the time to use money for something like this. When business is bad, when we have a crash again,

that is when those kinds of development funds should be certainly be used for economic development, but that is what they would have to be used for. So the answer to your question is no.

SENATOR TROMBLY: Senator Russman, is the Governor in agreement with what the House did so that when it hits her desk we will know that she might sign it, other then just let it go into law?

SENATOR RUSSMAN: I believe that she will sign it. I believe that she will.

SENATOR TROMBLY: Alright. Thank you.

SENATOR MCCARLEY: Senator Russman, is it your understanding that this transfer of funds from the Economic Development Fund to the Land and Community Heritage, will indeed drain that fund completely?

SENATOR RUSSMAN: I think that there is a small amount left in it, but I don't know what the number is. There is not a lot left in it if there is.

SENATOR MCCARLEY: And this is money set up over time to be used very expeditiously, in terms of economic development issues and has actually had a chance to grow in size to...

SENATOR RUSSMAN: My understanding is that it just came in a short time ago. That is my understanding, I could be wrong about that. And that there is a chance that there may be additional funds coming into that in the very near future from some other things that have gone on. Matter of fact, it may actually be more than that coming in to that.

SENATOR MCCARLEY: Thank you.

SENATOR D'ALLESANDRO: Senator Russman, as a result of the Committee of Conference, what roll does the Fiscal Committee play?

SENATOR RUSSMAN: It is not a result of the Committee of Conference, but what the House amendment does is, it does allow the oversight of the Fiscal Committee on it. Where the money is already appropriated, it doesn't really make a difference, so I don't mind that at this point, we may want to look at that again down the road.

SENATOR LARSEN: Briefly. A lot of us have worked really hard on this bill. The \$3 million came as a surprise in the House after an incredible amount of work, to find more permanent sources of funding. In fact, the Senate thought bonding was the way to go with this. Because we are so close to the end, I had hoped that we could go to a Committee of Conference and seek bonding once again, and put out some of the requirements that House Finance put into the bill. But I am hearing from the people who also worked hard on this, that they're concerned that nothing will survive. I am truly interested, as I think everybody in this room, to make sure that this fund begins...I am very concerned that we push, yet another funding issue that is important, into what will be the Claremont discussions, once again, next session. It is a very close call on this, but I think that given that the main proponents of the bill are ready to go with this small step, that we might as well do what those who have worked hard have said, and assume that their energy will be there again, in the middle of Claremont, to make this thing happen, once again, on a more permanent basis.

Senator Russman moved to concur.

A roll call was requested by Senator Gordon.

Seconded by Senator Francoeur.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, McCarley, Trombly, Disnard, Roberge, Eaton, Squires, Pignatelli, Francoeur, Larsen, Krueger, Brown, J. King, Russman, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No:

Yeas: 23 - Nays: 0

Adopted.

RESOLUTION

Senator F. King moved that all bills left on the table be now killed by this resolution.

Adopted.

BILLS KILLED BY THIS RESOLUTION

HB 53, relative to qualifications and appointments of marital masters.

HB 723-FN, relative to standby and emergency guardianship proxies.

HB 1113, raising the maximum price for lucky 7 tickets.

HB 1203-L, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

HB 1371, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

SB 203, authorizing electronic games of chance at racetracks.

SB 218-FN-L, regulating the land application of sewage sludge.

SB 365-L, relative to the adoption of bonds or notes in school districts and municipalities.

SB 380-FN-A, relative to the availability of matching funds for improvements to South Fruit Street at Industrial Drive in the city of Concord.

SB 429-FN, relative to claims before the state commission for human rights.

SB 433, relative to the age at which a minor may purchase or possess handguns and ammunition.

SB 462-FN-A-L, establishing a reformed public school financing system for ensuring educational adequacy for all children, and establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 472, relative to final authorization of electric rate reduction financing and commission action.

SENATE NONCONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 472, relative to final authorization of electric rate reduction financing and commission action.

Senator F. King moved to nonconcur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: F. King, Below, Hollingworth.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 472, relative to final authorization of electric rate reduction financing and commission action.

And the Speaker, on the part of the House, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley
Larry Guay
Terri Norelli
Jeff Mac Gillivray

SUSPENSION OF THE RULES

Senator Gordon moved that the rules of the Senate be so far suspended as to allow a bill without a five-day hearing notice in the calendar and report.

HB 1177, relative to the effective date of legislation establishing a chaptered or statutory legislative committee.

Adopted by the necessary 2/3 vote.

HB 1177, relative to the effective date of legislation establishing a chaptered or statutory legislative committee.

Senator Gordon moved ought to pass.

Adopted.

Ordered to third reading.

NOTICE OF RECONSIDERATION

Senator Squires served notice of reconsideration on **HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time.

Adopted.

**LATE SESSION
ANNOUNCEMENTS**

SENATOR BROWN (RULE #44): Some of you may know that in my other life I am a writer and I keep a journal, believe it or not, of all of my adventures here. When I was in the House, I did a little book for the

House and I thought that I would do a little book for the Senate because I really love you guys, all of you, and I don't expect to be here next year, but I wanted to give you something that was my view, at least some of my perspectives. A lot of people have asked me a number of questions about, I guess they think that I have changed since I have got here. I think that change is a good thing. I probably have changed. If anyone every criticizes us, I just remind them of some of the laws that other states have and you can read some of them. For example, in California, it is illegal to set a mouse trap without a hunting license. In Florida, you cannot sing in public while wearing a bathing suit, and, men may not appear in public in any kind of strapless gown. Now I don't know who inspired this, but in Wisconsin, it is a violation to wake a sleeping policeman. And, who says that you can legislate commonsense? In Illinois, there is a law that forbids eating in a public place. There is more, but I won't bore you with it. On page 18, you can read about the very beginnings of our constitution and our legislature. I thought that this was very important and I want to share this with you. It says, "Whereas it is necessary, there should be an equitable rule established by law for making rates and taxes within the state so that every person may be compelled to pay in proportion to his income." That was in 1784, the very first General Court. Just a minute longer. All of you probably know what this is. It is the pledge. Remember that? I have made a decision that I would never again take the pledge. I want to share with you...I have three reasons in here why, but I am just going to tell you one. The night before we voted on HB 117, I received a phone call from a tax activist. I am not going to say who. I spent a good half an hour arguing with this man, who wanted me to vote for the statewide property tax. You all know how I feel about that tax. I said to him, "I signed your pledge. I think that I signed it at least ten times to make sure that it took." It did. I didn't break my pledge. But he said to me, "you don't understand, Mary, the statewide property tax doesn't hurt me, it is awash in my town." I said to him, if I can vote and break my pledge to help you, and vote for a broad base tax, why can't I break my pledge and vote for an income tax that helps the poor and the elderly in our state. So here is what I think of this pledge. I would never take this pledge again. Finally, in closing. Just one little short little thing. A teacher from Pittsfield, one of the plaintiff towns gave me a little bulletin that they have on their board and it is called, "Whose job is it?" I think that it summarizes how we all feel, all of us because we all have different viewpoints and we have spent so much time and effort trying to solve this problem. It goes like this: "This is a story about four people named "Everybody", "Somebody", "Anybody" and "Nobody". There was an important job to be done and everybody was asked to do it. Everybody was sure that Somebody would do it, Anybody could have done it, but Nobody did it. Somebody got angry about that because it was Everybody's job. Everybody thought that Anybody could do it, but Nobody realized that Everybody wouldn't do it. It ended up that Everybody blamed Somebody when Nobody did it, when Anybody could have done it." I think that when you come back, those of you who return next year, I will be praying for you, maybe I will even be helping you, we shall see. But you will have a moment in history at the beginning of the next century to do something for New Hampshire that will determine our future, not only our schools, but our tax structure and our citizens for the next century. There is more in there and it is very self serving. I am sorry, but it was my journal. Thank you very much.

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of introducing legislation, referring bills to committee and scheduling hearings, enrolled bills and amendments and that when we adjourn we adjourn to Tuesday, May 23, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

HB 542-FN-A, repealing the legacies and succession tax.

HB 725, relative to rulemaking under the administrative procedures act.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities.

HB 618-FN-A, establishing a voucher program for smoking cessation.

HB 628, relative to the relocation of the principal residence of a child.

HB 648-FN, relative to a sludge testing program, and providing that coated printing paper purchased by or for state agencies shall contain not less than 10 percent post consumer waste material.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

HB 1139, establishing a committee to study involuntary emergency admission hearings.

HB 1177, relative to the effective date of legislation establishing a chartered or statutory legislative committee.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law, and relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

HB 1210-L, relative to capital reserve funds.

HB 1216, relative to petitions for warrant articles.

HB 1240, requiring the department of health and human services and insurers to make prompt payments.

HB 1250, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

HB 1251, relative to driver education training reimbursement.

HB 1308, relative to nomination paper requirements.

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

HB 1331, relative to campaign contributions by corporations.

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

HB 1369-FN-L, clarifying authority to regulate asbestos.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

HB 1418-FN-L, relative to mercury-containing products.

HB 1438-FN, relative to transportation of children for involuntary emergency admissions.

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

HB 1464, relative to the licensing process for new health care facility construction.

HB 1471, relative to the department of employment security's power to approve building projects.

HB 1504, relative to submission of biennial budget estimates by agencies.

HB 1521-FN-L, relative to the definition and administration of an adequate education.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

HB 1548-FN, abolishing the death penalty.

HB 1563-FN-L, establishing the Wolfeboro Airport Authority.

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections.

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

HB 1582, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

HB 1589, prohibiting the use of genetic testing for certain insurance policies.

HB 1592, relative to the display of the United States flag.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss.

HB 1611, recodifying the states DWI laws.

HB 1620-FN, relative to driver record information.

HB 1621-FN, allowing administrative home confinement for habitual offenders.

HB 1622, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

HJR 20, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

In recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills and Resolutions sent down from the Senate:

HB 1146-L, relative to tax increment financing.

HB 1309, relative to wood-to-energy rate order buydowns.

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

HJR 24, urging the United States Environment Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Senate Bills sent down from the Senate:

SB 206-FN-A-L, relative to distribution of tobacco settlement funds.

SB 334, relative to credit unemployment insurance.

SB 358, relative to court reporting services.

SB 379-FN, relative to lottery scratch tickets.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

SB 469, relative to mutual insurance holding companies.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Senate Bill sent down from the Senate:

CACR 20, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Senate Bills sent down from the Senate:

SB 181-FN, relative to the licensure of geologists.

SB 210-FN-L, relative to payment by the state for certain court-ordered placements of special education students.

SB 421-FN-A, establishing a child day care program credit against the business profits tax and the business enterprise tax.

SB 465-FN-L, relative to the definition of "sugar orchard" for purposes of the timber yield tax.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 542-FN-A, repealing the legacies and succession tax.

HB 733, relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

HB 1240, requiring the department of health and human services and insurers to make prompt payments.

HB 1251, relative to driver education training reimbursement.

HB 1308, relative to the manner in which candidates are listed on election ballots.

Recess.

Out of Recess.

NOTICE OF RECONSIDERATION

Senator McCarley served notice of reconsideration on **HB 1504**, relative to submission of biennial budget estimates by agencies.

NOTICE OF RECONSIDERATION

Senator Klemm has served notice of reconsideration on **HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

NOTICE OF RECONSIDERATION

Senator Cohen has served notice of reconsideration on **HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

HB 405, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HB 521, providing a procedure to allow municipalities that have adopted the municipal budget act to override the 10 percent limitation imposed on appropriations not recommended by the budget committee.

HB 683, requiring teachers and school administrators to report incidents of disruptive behavior by students.

HB 1124, relative to local building codes.

HB 1145, limiting the liability of state certified fire instructors.

HB 1165, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.

HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.

HB 1216, relative to petitions for warrant articles.

HB 1294, relative to regional planning commissions.

HB 1316, prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue.

HB 1343, appropriating available funds for the fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

HB 1541, relative to the cremation of deceased persons.

HB 1548, abolishing the death penalty.

HB 1592, relative to the display of the United States flag.

HB 1606, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

HB 1607, establishing a study committee to consider legislation reducing to zero the number of persons with developmental disabilities and persons with brain injuries in the state who are not receiving or have not received Medicaid services.

SB 316, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts.

SB 332, relative to risk-based capital for health organizations.

SB 367, establishing a prescription drug access study committee.

SB 392, relative to the use of nonlapsed funds by the regional community-technical colleges.

SB 453, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

SB 467, relative to the exemption from regulation of certain elevating devices.

Senator D'Allesandro moved adoption.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 445-FN, relative to methadone maintenance treatment.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 445-FN, relative to methadone maintenance treatment.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 464, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 464, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

Senator Trombly moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 413-FN, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 413-FN, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

Senator Pignatelli moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 422, relative to the housing security guarantee loan program.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 422, relative to the housing security guarantee loan program.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 409, relative to health insurance coverage of qualified clinical trials.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 409, relative to health insurance coverage of qualified clinical trials.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 368, relative to insurance fraud.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 368, relative to insurance fraud.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 363, relative to the sale of malt beverages.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 363, relative to the sale of malt beverages.

Senator Below moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

Senator Below moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 424, relative to controlled substances used for pain management.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 424, relative to controlled substances used for pain management.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 419-FN, establishing the crime of negligent storage of a firearm.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 419-FN, establishing the crime of negligent storage of a firearm.
Senator Pignatelli moved to concur.

SENATOR DISNARD: As chairman of Wildlife, over the weekend, I don't know how people received it...a copy of the changes in the House Bill, but I had 11 calls at my house from firearm volunteer instructors and Fish and Game. They are concerned and have asked the following questions: Right now, a youngster down to age 12, may receive instructions on the use of a bow for hunting, and that at the minimum age of 13, may receive instructions on firearms and hunting safety. At age 16, they have a license on their own or between 12 for bow and 13 and 16, they must hunt with an adult who also has a license. The question is: Will this continue, or will this additional amendment in the House, eliminate firearm instruction or bow hunting instructing safety so that the youngsters below the age of 16? We must realize that all these instructors are volunteers and they give their time. They are concerned about the \$1000 fine, how it might be interpreted in this. So I would like to have those questions answered please.

SENATOR COHEN: I can certainly answer those questions. Had the age remained 18 as the Senate had passed it, none of these things would have been affected. With permission, there is no problem. None of these things that you have talked about are impacted in the least by this bill. As long as there is permission from the parents or the gun owner, for that matter. A person, even had we passed in the stronger version from the Senate, none of these things would have been affected. Thank you for asking that question.

SENATOR FRANCOEUR: I think that I received some of the same information that Senator Disnard did. That where the firearms instructors are concerned about instructing people before under 18, and currently, as the bill is written by the House, under 16. It still will create a crime for the individual if this happens. So it also exposes the instructors to a civil liability. You have to be cautious also, states also have different definitions of what a loaded firearm is. Some states, you can't even have...they consider a loaded firearm for transportation if it is not in two concealed boxes. One the gun and one the ammunition. Also, the legislation, as many in the House spoke about on the floor,

it is feel good legislation. Already there is current law, reckless conduct, which is on the books, which people can be charged with, and that is RSA 631:3.

SENATOR COHEN: The definition of "loaded" in our laws is very clear. "Loaded" means the ammunition has to be in the gun. We have checked this out with our legal counsel and with the AG's Office. The "loaded" gun means a gun with the ammunition in the gun. In regard to reckless conduct. That was discussed in the House. It was cleared up that reckless conduct is a much higher degree. It takes an aggressive action to reach the state of reckless conduct. Leaving a loaded gun out is negligence. Negligence is not covered by reckless conduct. That was misinformation put out. The two...it is clear, from the AG's Office and from other counsel that we have spoken to, that negligence is now not covered. Reckless conduct is covered. But that is a much higher activity. It takes a purposeful, reckless conduct. Negligence is simply negligence and that is not now covered. So I hope that I have answered the questions.

Recess.

Out of Recess.

Question is on the concurrence of the report.

A roll call was requested by Senator Francoeur.

Seconded by Senator Trombly.

The following Senators voted Yes: Below, McCarley, Trombly, Squires, Pignatelli, Larsen, Krueger, J. King, D'Allesandro, Wheeler, Hollingworth, Cohen.

The following Senators voted No: F. King, Gordon, Johnson, Fraser, Disnard, Roberge, Eaton, Francoeur, Brown, Russman, Klemm.

Yeas: 12 - Nays: 11

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 303, relative to campaign contributions by business organizations.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 303, relative to campaign contributions by business organizations.

Senator Trombly moved to non concur and requests a Committee of Conference.

SENATOR TROMBLY: I know that we have a lot to do today, but this issue has had quite a go around, and I think that there are some things that need to be stated for the record, relative to the future of what we will do, what I hope that we will do as a Senate, if we nonconcur and set up a Committee of Conference as requested. I think that the Senate needs to know what has happened, relative to this issue. This issue is campaign finance reform, specifically dealing with the federal district court decision, where corporations were ruled to be allowed to give money directly from their treasury, well our corporate statute was stricken down. The unions got some kind of a passing nod from the court, but weren't specifically

included. The Senate has been very responsible in trying to set the procedure straight by requiring the corporations and unions to give money from PACs rather than directly from their treasuries. There was a bill sponsored by Senator Below, which is this bill, which did that. It set up the criteria under which corporations would be allowed to give from PACs but not directly from the treasury. There was a bill sponsored in the House by Representative Buckley which was very similar to that. We passed Senator Below's bill, which is the bill that is before you now. The House Bill came over to us, and that is the bill, if you remember, last week I spoke to you about, that the House members appeared in front of the committee, with an amendment, which I believe, most of the committee members believed, had passed the House, when in fact, it hadn't. It was an amendment that I described last week as incomprehensible. It completely changed the rules for reporting when the secretary of state had already set the guidelines and the requirements in the political calendar, in midstream. It was indefensible, and it needed a great deal of study before we would even think of doing it. I think that I described as garbage, which is what it was. Well, we amended that bill. The House bill, to include the ban on corporate and union giving, and we sent it over to the House. The House defeated that bill, but they tacked that incomprehensible amendment, onto the bill that is before you now. I would like to give one more chance at trying to deal with the corporate-union issue. There is one other thing that I would like to try to do, that is an element included in part, in the House amendment. That is to require that candidates for Senate President and Speaker of the House, disclose where they are getting their money, funding their race for those two positions and those two positions only. It was represented on the floor of the House last week, that the amendment that we should not adopt, was drafted with the concurrence and support of the secretary of state. I think that it needs to be stated that absolutely clearly, that the secretary of state, in any conversation that he had in front of the Public Affairs Committee, and with me personally, and I believe with individual Senators personally, about that amendment, has always opposed it. Because I think that he and I agree that that amendment is what I characterized it to be here today. I don't think that it is fair to represent to the House, that that amendment has the support of the secretary of state. I don't think that he would discuss something that could not even be described to the Senate committee hearing this bill. As a matter of fact, the secretary of state is my guest here today, because I think that we need to set that record straight for the secretary of state. I am asking you, however, and I have spoken with the secretary of state, and I have represented to him and I am representing you, here now, there are only four things that I am interested in salvaging. Corporate and union bans, from their treasuries, and only through PACs that they set up and that the Senate President candidates and the Speaker of the House candidates, disclose who is funding their campaigns for those offices. That is it. I am going to be quite frank with the Senate, I am not certain that you will see this bill again, because I have told the secretary of state, and the members of the Public Affairs Committee that if the House does not accede to that, I won't sign the Committee of Conference Report. I think that it is only fair, during this time, when the public is demanding campaign finance reform, and given the House's record in killing the comprehensive campaign finance reform, that this body passed over to them, that we give this one more shot for those very four limited purposes. That is why I am asking you to nonconcur and set up a Committee of Conference at that time. I am not

confident, given the actions of the House, relative to campaign finance reform this year, that you will ever see this bill back again, but I think that it is worth one more try, for those limited purposes. Thank you, Madame President.

SENATOR F. KING: I think that it is inappropriate to be passing this type of an amendment, this close to a time when people are going to be signing up to run. I mean the decisions have all been made in the secretary of state's office on how this should go forward. I think that this issue is better dealt with in a future session, in a non election year. I understand what Senator Trombly has said, but I guess that I want to make sure that if we do anything at all, that we don't end up with a Christmas tree that we have here, and we have to fight over it on March 30, 31 or whenever we are going to be here. I think the right thing to do is to kill the bill and to deal with it another year.

SENATOR DISNARD: Just briefly. I just want to point out that the 2000-2001 political calendar is already in the hands of the city and town clerks. Two weeks before the filings, look at the changes that would have to...there is page after page of changes, the yellows, that would have to be made, and the rules and regulations guiding the New Hampshire political calendar. It is not realistic. I would like to support the chairman of the Public Affairs Committee and have a Committee of Conference, but not concur with these Committee of Conference suggestions of the House.

SENATOR KRUEGER: I rise because quite frankly, we are not naive in this room. We know perfectly well what happened over in the House. We know perfectly well that when the Public Affairs Committee, who had really looked into this, had in fact, presented the House with what they believed to be a good, accurate, enforceable campaign finance measure that we were played with again. I would like to see this killed, quite frankly. I would like to see it killed for a lot of reasons. I would like to see it killed because of what Senator Disnard just said. I would like to see it killed because the potpourri of garbage that is going to be attached to it, that the House is going to fight for, endlessly, and quite frankly, and I understand that I might be named to the Committee of Conference, but those of us that don't want that, are just going to argue it out. I think that it is ridiculous to look for a political protection or cover here. I think that our chair is right on. I applaud Senator Trombly for what he wants. In fact, if it does end up that I am in the minority here, and it goes to a Committee of Conference, I too would hope that it would end up with the corporations and the unions being held to the standard that we have laid out; however, coming out of the House, I know how it works, and my preference, quite frankly, Madame President, would be to kill it here. Thank you.

SENATOR D'ALLESANDRO: I rise to support Senator Trombly. I think that one thing should be made perfectly clear to everybody. It seems that Senator Trombly did that, but I want to reemphasize it. When a statement was made that this was drafted...this amendment was drafted by the secretary of state, that is completely erroneous. That carries a lot of weight in our committee hearings, because we all have great respect for the secretary of state and the kind of work that he has done, but to misrepresent him, I think, is really a breach of faith. It seems to me, that if we can salvage anything, fine, but giving it one last shot is probably the right thing to do, even in this very poor situation. Thank you.

SENATOR BELOW: As the prime sponsor of SB 303, I did follow it closely in the House. When the House proposed this amendment, I went and tes-

tified and listed any number of concerns about this amendment. Unfortunately, the House decided to proceed with the amendment. I would just like to point out that I think that some of the serious misrepresentations...it has been suggested that this amendment, would actually tighten political committees who do independent expenditures, and in fact, it appears to do exactly the opposite. In conversations with the representatives of the Attorney General's Office, they point out that the language loosens up independent expenditures and repeals 664:6, IV-a, which requires political committees that make independent expenditures, to make regular reporting in the same schedule as other committees, and also to make reports within every 24 hour period where they make expenditures of over \$500. In fact, this amendment that the House adopted, repealed that, and yet, they claimed that it did the opposite of tightening it up. It was also claimed that it would require campaigns to make reports of expenditures of \$500 or more within 24 hours. That is already in the law. It also claimed that it was going to cap the cost of copies of checklists at \$25. That is already in the law. So I am not sure what is going on here. I think that is, unfortunately, politics and I am glad to see that the Senate, on a bipartisan basis' is united in its concern about this. Thank you.

SENATOR FRASER: I just want to let the Senate know that I am going to support Senator Trombly's motion to nonconcur and set up a Committee of Conference. I had the opportunity to speak to the Senator earlier this morning. This is a very narrow focus of what he is trying to accomplish. I have total faith in the Senator that he will do exactly what he promised to do.

SENATOR TROMBLY: Could you put Senator Fraser's remarks in bold, please?

Recess.

Out of Recess.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Trombly, Below, Krueger

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 303, relative to campaign contributions by business organizations.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Clegg
Janet Arndt
Sandra Reeves
Raymond Buckley

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 397-FN-A-L, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 397-FN-A-L, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

Senator McCarley moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 308, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 308, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties.

Senator Pignatelli moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 378, relative to Article 9 of the Uniform Commercial Code.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 378, relative to Article 9 of the Uniform Commercial Code.

Senator Cohen moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 375, relative to motor vehicle dealerships.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 375, relative to motor vehicle dealerships.

Senator Gordon moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 415-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 415-FN-L, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 389-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 389-FN, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 428-FN-A, relative to the development of certain public health initiatives and making an appropriation therefor.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 428-FN-A, relative to the development of certain public health initiatives and making an appropriation therefor.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 393, relative to single producer licensing.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 393, relative to single producer licensing.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 330, establishing a committee to study the impact of water withdrawals on instream flows.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 330, establishing a committee to study the impact of water withdrawals on instream flows.

Senator Russman moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 97, relative to charitable trusts which are institutional funds.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 97, relative to charitable trusts which are institutional funds.

Senator Fraser moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 302, relative to certain employment requirements for liquor licensees.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 302, relative to certain employment requirements for liquor licensees.

Senator Below moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 383, requiring the department of health and human services and insurers to make prompt payments.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 383, requiring the department of health and human services and insurers to make prompt payments.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 450-FN, prohibiting the importation of tobacco products that violate federal law.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 450-FN, prohibiting the importation of tobacco products that violate federal law.

Senator Below moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 328, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 328, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

Senator Disnard moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 446, relative to the integration of information technology at the state, county and municipal levels.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 446, relative to the integration of information technology at the state, county and municipal levels.

Senator Trombly moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 136-FN, allowing certain state employees to take paid leave to participate in disaster relief service work.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 136-FN, allowing certain state employees to take paid leave to participate in disaster relief service work.

Senator Cohen moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 338, relative to trustee process.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 338, relative to trustee process.

Senator Pignatelli moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 459, relative to underinsured motorists.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 459, relative to underinsured motorists.

Senator Wheeler moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 324, relative to personal care services and providers.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 324, relative to personal care services and providers.

Senator Squires moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 349, relative to the sale of the marital residence or other real property in a domestic proceeding.

SENATE CONCURS WITH HOUSE AMENDMENT

SB 349, relative to the sale of the marital residence or other real property in a domestic proceeding.

Senator Pignatelli moved to concur.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

Senator Wheeler moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, Klemm, Hollingworth

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Dennis Fields
Marshall Quandt
Alice McDonough-Wallace
Anne Priestly

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 448, establishing a guardians ad litem board.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 448, establishing a guardians ad litem board.

Senator Pignatelli moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Pignatelli, Gordon Trombly

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 448, establishing a guardians ad litem board.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Bickford
Andre Martel
Edward Moran
Susan Almy

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 436-FN, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 436-FN, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Senator Pignatelli moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Trombly, Brown, Pignatelli

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 436-FN, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
David Welch
John Tholl
William Knowles

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission.

Senator Cohen moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Cohen, Larsen, Francoeur

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Maurice Goulet
Nancy Stickney
Alida Millham
Robert Murphy

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

Senator McCarley moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McCarley, D'Allesandro, Johnson

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jane O'Hearn
Warren Henderson
David Larrabee
John White

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

Senator Squires moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, McCarley, Wheeler

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Larry Emerton
Fran Wendelboe
Peter Batula
Thomas Donovan

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 353, relative to sales of insurance by financial institutions.

**SENATE NON CONCURS AND REQUESTS A
COMMITTEE OF CONFERENCE**

SB 353, relative to sales of insurance by financial institutions.

Senator Fraser moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, McCarley, Wheeler

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 353, relative to sales of insurance by financial institutions.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Hunt
Sheila Francoeur
Neal Kurk
Kathleen Taylor

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

SENATE NON CONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

Senator Cohen moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Trombly, Cohen, Roberge

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Thomas
Gary Gilmore
Eric Anderson
Norman Major

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1349-L, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Disnard, Johnson, F. King

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
John Tholl
William Knowles
Patricia O'Keefe

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Brown, Cohen, Trombly
HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jeb Bradley
John Thomas
Harold Lynde
Terie Norelli

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or

no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Russman, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Roy Maxfield
Teri Norelli
Jeff MacGillivray
Susan Almy

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, Below, Cohen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Alukonis
Robert Brundige
William Leber
Charles Vaughn

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: F. King, Hollingworth, Cohen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Henry Mock
Loren Jean
James Craig
Phyllis Woods

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, Trombly, Gordon

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Leon Calawa
Winston McCarty
Charles Morse
Richard Ahern

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Russman, Pignatelli, Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1620, relative to driver record information.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sherman Packard
Robert Letourneau
John Hunt
Neal Kurk

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1620, relative to driver record information.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Below, Roberge

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Leon Calawa
Winston McCarty
Robert Daigle
David Alukonis

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 2000-FN-L, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Pignatelli, Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 725, relative to rulemaking under the administrative procedures act. And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Howard Dickinson
Merton Dyer
Frank Torr
Carolyn Virtue

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 725, relative to rulemaking under the administrative procedures act.

Senator Cohen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Larsen, D'Allesandro, Klemm

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Robert Holbrook
Vivian Clark
Robert Johnson
Paul Dwyer

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: F. King, Larsen, Gordon

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1589, prohibiting the use of genetic testing for certain insurance policies.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Hunt
Sheila Francoeur
Neal Kurk
Toni Crosby

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1589, prohibiting the use of genetic testing for certain insurance policies.

Senator Wheeler moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, McCarley, Fraser

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Gary Daniels
Robert Clegg
Nancy Wall
Jane Kelly

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

Senator Wheeler moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, McCarley, Fraser

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tom Arnold
Jeb Bradley
Lucien Bergeron
Harold Lynde

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Fraser, F. King

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 628, relative to the relocation of the principal residence of a child. And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Dowling
Edward Moran
Constance Jones
Ruth Ginsburg

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 628, relative to the relocation of the principal residence of a child. Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, Gordon, Wheeler

Conferee Change: Senator Disnard replaced Senator Wheeler.

Conferee Change: Senator Below replaced Disnard

Conferee Change: Senator Klemm replaced Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 505-FN, establishing a special license plate for veterans.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sherman Packard
Robert Letourneau
John Flanders
Peter Cote

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 505-FN, establishing a special license plate for veterans.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sherman Packard
Gordon Bartlett
Robert Letourneau
Roland Turgeon

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Trombly, Russman

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1188-FN-L, relative to alternative kindergarten programs.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jane O'Hearn
Neal Kurk
William Belvin
Clair Synder

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1188-FN-L, relative to alternative kindergarten programs.

Senator McCarley moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McCarley, Below, Gordon

Conferee Change: Senator D'Allesandro replaced Below

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 226-L, establishing municipality bond payment schedules and percentages.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Richard Leone
Robert Brundige
Gerald St. Cyr
Anthony Simon

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 226-L, establishing municipality bond payment schedules and percentages.

Senator Fraser moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Wheeler, Klemm

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1622-L, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Betsey Patten
Mary Griffing
Anthony Simon
Priscilla Lockwood

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1622-L, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

Senator Trombly moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Trombly, Disnard, Roberge

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 713-FN, relative to penalties for multiple DWI offenses.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
John Tholl
Maxwell Sargent
Beth Rodd

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 713-FN, relative to penalties for multiple DWI offenses.

Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Brown, Trombly, Squires

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1521-FN-L, relative to the definition and administration of an adequate education.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Jane O'Hearn
Brien Ward
Betty Hoadley
Warren Henderson

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1521-FN-L, relative to the definition and administration of an adequate education.

Senator McCarley moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McCarley, D'Allesandro, Larsen

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: William Leber
Win McCarty
John Cloutier
David Alukonis

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

Senator McCarley moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Larsen, McCarley, Squires

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 690-FN-L, relative to charter schools and open enrollment districts.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Susan Durham
John Alger
Russell Cox
John Hunt

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 690-FN-L, relative to charter schools and open enrollment districts. Senator McCarley moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: McCarley, Johnson, Disnard

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Neal Kurk
David Alukonis
Charles Vaughn
Robert Clegg

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1202-L, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

Senator Below moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Fraser, McCarley

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

SENATE NON CONCURS AND REQUESTS COMMITTEE OF CONFERENCE

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Senator Squires moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, Below, Larsen

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Neal Kurk
Robert Clegg
Alan Thulander
William Knowles

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury.

**SENATE NON CONCURS AND REQUESTS
COMMITTEE OF CONFERENCE**

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury.

Senator Pignatelli moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Trombly, Pignatelli

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
David Welch
William Knowles
Sherman Packard

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1611, recodifying the state's DWI laws.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
David Welch
Stephen Avery
John Hunt

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1611, recodifying the state's DWI laws.

Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Pignatelli, Squires

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 618-FN-A, establishing a voucher program for smoking cessation.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lawrence Emerton
Peter Batula
Alphonse Haettenschwiller
Francine Wendelboe

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 618-FN-A, establishing a voucher program for smoking cessation.

Senator Squires moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, Fernald, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Patricia Dowling
Barbara Richardson
Thomas Arnold
Alan Thulander

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

Senator Squires moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, Trombly, McCarley

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

SENATE NON CONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

Senator Russman moved to non concur and requests a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Below, Trombly, Krueger

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Charles Royce
Michael Whalley
Michael Downing
Richard Cooney

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1418-FN-L, relative to mercury-containing products.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Scanlan
Harold Melcher
Irene Messier
Harold Lynde

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1418-FN-L, relative to mercury-containing products.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Wheeler, Below, Russman

Conferee change: Senator McCarley replaced Wheeler.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 648-FN, relative to sludge testing program.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Peter Leishman
Irene Messier
Betty Hall
Susan Almy

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 648-FN, relative to sludge testing program.

Senator Russman moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Cohen, Wheeler, Brown

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John Hunt
Sheila Francoeur
Neal Kurk
Kathleen Taylor

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Senator Squires moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Fraser, Klemm, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Henry Mock
Robert Rowe
Cynthia Dokmo
McKim Mitchell

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections.

Senator Squires moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, Wheeler, Krueger

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1464, relative to the licensing process for new health care facility construction.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lawrence Emerton
Peter Batula
James Pilliod
Thomas Donovan

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1464, relative to the licensing process for new health care facility construction.

Senator Squires moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, McCarley, Wheeler

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1563-FN-L establishing the Wolfeboro Airport Authority.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: David Hess
Betsey Patten
Jeb Bradley
Anthony Simon

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1563-FN-L, establishing the Wolfeboro Airport Authority.

Senator Gordon moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Gordon, Roberge, Trombly

2000-4617-EBA

03/01

Enrolled Bill Amendment to SB 318-FN

The Committee on Enrolled Bills to which was referred SB 318-FN AN ACT relative to proposed joint maintenance agreements.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 318-FN

This enrolled bill amendment makes a technical correction and inserts an omitted word in section 1 of the bill.

Enrolled Bill Amendment to SB 318-FN

Amend RSA 194:21, II (b) as inserted by section 1 of the bill by replacing line 5 with the following:

deficiencies and resubmit the agreement to the state board for review within 30 days of the

Amend RSA 194:21 as inserted by section 1 of the bill by replacing line 24 with the following:

III. The school boards of the component school districts shall be authorized to incur

Senator Trombly moved adoption.

Adopted.

2000-4622-EBA

03/01

Enrolled Bill Amendment to SJR 1

The Committee on Enrolled Bills to which was referred SJR 1

A RESOLUTION concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SJR 1

This enrolled bill amendment makes typographical and grammatical corrections and inserts an omitted word.

Enrolled Bill Amendment to SJR 1

Amend paragraph 7 after the title of the resolution by replacing line 4 with the following:

fair share of payments in lieu of taxes to the towns; and

Amend paragraph 13 after the title of the resolution by replacing line 1 with the following:

Whereas, diversion from this approach will have an adverse effect on its ability to continue to

Amend paragraph 5 after the resolving clause of the resolution by replacing line 4 with the following:
roads and roadless and wilderness areas; and

Amend paragraph 11 after the resolving clause of the resolution by replacing line 1 with the following:

That copies of this resolution be forwarded by the senate clerk to the President of the United

Senator Trombly moved adoption.

Adopted.

2000-4616-EBA

04/09

Enrolled Bill Amendment to HB 304

The Committee on Enrolled Bills to which was referred HB 304

AN ACT relative to school employee and volunteer background investigations.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 304

This enrolled bill amendment corrects punctuation in section 2 of the bill.

Enrolled Bill Amendment to HB 304

Amend section 2 of the bill by replacing lines 5-7 with the following:
RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, I(b), II, or III; 645:2; 649-A:3; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this

Senator Trombly moved adoption.

Adopted.

2000-4619-EBA

03/01

Enrolled Bill Amendment to HB 1210-LOCAL

The Committee on Enrolled Bills to which was referred HB 1210-LOCAL

AN ACT relative to capital reserve funds.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1210-LOCAL

This enrolled bill amendment makes a typographical correction.

Enrolled Bill Amendment to HB 1210-LOCAL

Amend RSA 34:3, I as inserted by section 3 of the bill by replacing line 3 with the following:

for charitable purposes, within the limits as provided in RSA 34:4.

Senator Trombly moved adoption.

Adopted.

2000-4623-EBA**03/10****Enrolled Bill Amendment to HB 1424**

The Committee on Enrolled Bills to which was referred HB 1424
AN ACT relative to reevaluation of a person's competency to stand trial.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1424**

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1424

Amend RSA 135:17-a, V as inserted by section 2 of the bill by replacing line 2 with the following:
court determines that he or she is dangerous to himself or herself or others, the court shall order the

Senator Trombly moved adoption.

Adopted.

2000-4614-EBA**08/09****Enrolled Bill Amendment to HB 1431**

The Committee on Enrolled Bills to which was referred HB 1431
AN ACT relative to protective orders in domestic violence cases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1431**

This enrolled bill amendment makes grammatical corrections to section 1 of the bill.

Enrolled Bill Amendment to HB 1431

Amend section 1 of the bill by replacing lines 7 and 8 with the following:
petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may

Senator Trombly moved adoption.

Adopted.

MOTION OF RECONSIDERATION

Senator McCarley having voted with the prevailing side, moved reconsideration on **HB 1504**, relative to submission of biennial budget estimates by agencies, whereby we ordered it to third reading.

Adopted.

HB 1504, relative to submission of biennial budget estimates by agencies.

Senator McCarley offered a floor amendment.

Sen. McCarley, Dist. 6

Sen. Below, Dist. 5

2000-4628s

10/09

Floor Amendment to HB 1504

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Amend the bill by inserting after section 27 the following and renumbering the original section 28 to read as 31:

28 Positions Established; Appropriations; Authority of Commissioner of the Department of Revenue Clarified. Amend 1999, 17:53, IV as amended by 1999, 303:12 to read as follows:

IV. The sum of \$2,700,000 for the biennium ending June 30, 2001, is hereby appropriated to the department of revenue administration to fund the costs necessary to implement *the provisions of this act and the provisions of RSA 198:50 through 198:55*. The commissioner is authorized to establish positions necessary to implement this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

29 Appropriation; Authority to Establish Positions Inserted. Amend 1999, 338:16 to read as follows:

338:16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA ~~[198:50-55]~~ *198:50 through 198:55. The commissioner of the department of revenue administration is authorized to establish positions necessary to implement the provisions of this section.*

30 Classified Positions in Department of Health and Human Services.

I. Notwithstanding the provisions of 1995, 310:60, any classified employee of the department of health and human services whose position was changed from one salary group to a lower paying salary group shall continue to receive the salary and scheduled raises of the higher paying group so long as such employee is employed in such position.

II. Employees to whom paragraph I applies are hereby entitled to the 5 percent raise for classified state employees effective June 5, 1998, the 3 percent raise for classified state employees effective October 1, 1999, and all subsequent raises negotiated for classified state employees.

III. Funding for salaries and raises under paragraphs I and II shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

2000-4628s

AMENDED ANALYSIS

This bill:

I. Increases appropriations to the house and senate for consultants' fees.

II. Increases an appropriation to the department of environmental services for part-time-benefited personnel.

III. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

IV. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

V. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

VI. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VII. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VIII. Provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

IX. Establishes the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines.

X. Permits the department of revenue administration to disclose certain tax records and information to the legislative budget assistant for the purpose of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23.

XI. Clarifies the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program

XII. Clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

SENATOR MCCARLEY: TAPE CHANGE DRA in terms of their enforcement and revisions that they need for positions for the hardship relief, which simply were not included, and should have been a couple of weeks ago. And, it also transfers to this bill, the issue of salaries for classified positions in the Department of Health and Human Services. These are employees who had not received salary increases for a number of years. We, as a body have voted for that. The bill is going to a Committee of Conference...that language, but attached to that language is an amendment, which the House is very interested in, which actually, increases the deficit in an attempt to give these consulting services...our feeling is that the language regarding the consulting services and the rest of the budget transfers are much better here, and we would like to make sure that the classified salaries also survive this process. So we are asking to include all of those on this floor amendment.

SENATOR FRASER: Senator McCarley, it sounds like this salary increase for those state employees was another bill, which I sponsored, wasn't it?

SENATOR MCCARLEY: I think that you may well have sponsored. Senate Bill 448, I think, is the number. It is indeed going to a Committee of Conference, but it has an amendment on it that is very troublesome. We want to make sure...the belt and suspenders approach is what this is about.

SENATOR FRASER: Thank you very much.

Floor Amendment adopted.

Ordered to third reading.

MOTION OF RECONSIDERATION

Senator Cohen having voted on the prevailing side moved reconsideration on **HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits, whereby we ordered it inexpedient to legislate.

Adopted.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

Senator Cohen moved ought to pass.

SENATOR COHEN: Senate Bill 181 had been passed in the House. That is relative to licensing geologists. It was passed at the end of the day, last Thursday, but a vote of 174 - 91, just short of the 2/3 needed. So, HB 1510 is something that...I have an amendment to go onto 1510, which would replace the entire bill and put in...

Adopted.

Recess.

Out of Recess.

Senator Cohen offered a floor amendment.

2000-4624s

10/09

Floor Amendment to HB 1510-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the licensure of geologists.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading; Professional Geologists Added. Amend the chapter heading preceding RSA 310-A to read as follows:

**PROFESSIONAL ENGINEERS, ARCHITECTS, LAND
SURVEYORS, PROFESSIONAL GEOLOGISTS AND
NATURAL SCIENTISTS**

2 Joint Board; Professional Geologists Added. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of professional engineers, architects, land surveyors, foresters, **professional geologists**, and natural scientists, consisting of each of the members of the board of professional engineers, board of architects, state board of licensure for land surveyors, foresters' board, **board of professional geologists**, and the board of natural scientists. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 New Subdivision; Professional Geologists. Amend RSA 310-A by inserting after section 117 the following new subdivision:

Professional Geologists

310-A:118 Definitions. In this subdivision:

I. "Board" means the board of professional geologists.

II. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization; organized for gain or profit, carrying on any business activity within the state.

III. "Geology" means the science dealing with the study of the earth, its origin, history, physical features and content; the investigation and interpretation of the earth's constituents including, but not limited to, its rocks, unconsolidated materials, minerals, solids, fluids, and gases, and of the natural and induced processes and forces acting on the earth; the geologic mapping of the earth's constituents and features, and the results of various processes and forces that have acted on the earth; and the geological application of the information derived from such study in the furtherance of the health, safety and welfare of the public and the environment.

IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge of geology and the supporting physical and life sciences, acquired by education and experience, is technically and legally qualified to engage in the practice of geology as defined in this section and has successfully passed the examination as may be required in this subdivision and who is licensed by the board or otherwise authorized by this subdivision to engage in the practice of the profession of geology.

V. "Practice of the profession of geology" or "practice of geology" means the performance of work defined as geology in this subdivision including, but not limited to researching, investigating, consulting, geological mapping, describing the natural processes that act upon the earth's materials, predicting the probable occurrence of natural resources, predicting and locating natural or man-induced phenomena which may be useful or hazardous to mankind recognizing, determining and evaluating geological factors, and the inspection and performance of geological work and the responsible supervision thereof in furtherance of the health, safety, and welfare of the public and the environment. The term shall not include the application of geologic information in the identification or determination of engineered solutions to protect the health, safety, and welfare of the public and the environment. The term shall not include the practice of engineering, land surveying, architecture, soil science or wetland science for which separate licensure or certification is required.

VI. "Responsible charge of work" means the independent control, supervision and direction of work requiring the use of initiative, skill, and judgment.

310-A:119 Purpose. In order to safeguard life, health, the environment, property, and to promote public welfare, the practice of geology in this state shall be regulated by the board of professional geologists.

310-A:120 Board of Professional Geologists.

I. A board of professional geologists is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be professional geologists, and one public member. The public member of the board shall be a person who is not, and never was, a geologist or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of geologic services or an activ-

ity directly related to geology, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each member except the public member shall have been a professional geologist for at least 10 years prior to appointment and shall have held a responsible position in charge of such work, which may include the teaching of geology, for at least 5 years prior to appointment. Experience in providing geological services for a fee, or being in responsible charge of geological work, obtained before the expiration of the period described in RSA 310-A:125, II, may count towards the requirements of this section if the member would have been eligible for licensure under RSA 310-A:125, II at the time of the relevant experience.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Original appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds $1/2$ of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. Three members shall constitute a quorum.

VI. The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (a) The name, age, and residence of each applicant.
- (b) The date of application.
- (c) The place of business of such applicant.
- (d) The applicant's educational and other qualifications.
- (e) Whether or not an examination was required.
- (f) Whether the applicant was rejected and the reasons for such rejection.

- (g) Whether a license or permit was granted.

- (h) The date of the action of the board.

- (i) Such other information as may be deemed necessary by the board.

VII. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VIII. The secretary of the board shall publish a roster listing the names and places of business of all professional geologists licensed under this subdivision by the board during February of each even-num-

bered year. Copies of this roster shall be made available upon request to any person so licensed and will be placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:121 Rulemaking; Fees.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this subdivision;

(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;

(c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;

(d) License renewal, including requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) Procedures for the conduct of hearings consistent with the requirements of due process;

(g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125;

(i) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129; and

(j) Interstate licensure and temporary permits under RSA 310-A:131.

II. The board shall adopt rules under RSA 541-A which shall establish all fees required under this subdivision including the following:

(a) Examinations.

(b) Application for licensure upon passing the examination.

(c) Application for a certificate, temporary permit, or license under RSA 310-A:134.

(d) Biennial renewal for licensed professional geologists.

(e) Late reinstatement for a late renewal of license.

(f) Replacement of lost or mutilated license.

(g) Transcribing and transferring records and other services.

III. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-A:122 Immunity From Civil Liability. No action or other legal proceedings for damages shall be instituted against the board or any member or employee of the board for any act done in good faith or for any neglect or default in the performance or exercise in good faith of any such duty or power.

310-A:123 Receipts and Disbursements. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this subdivision and shall pay the same to the state treasurer. The board may employ such investigators, clerical, and other assistants as are necessary for the proper performance of its work and may make expenditures for any purpose which is reasonably necessary for the proper performance of its duties under this subdivision, including the reasonable expenses of the board's delegate to meetings and membership dues. The board may, with the approval of the attorney general, hire counsel and investigators and pay the reasonable expenses of such counsel and investigators for the investigation and prosecution of any violation of this subdivision. Such compensation and reasonable expenses shall be paid from the funds of the board.

310-A:124 Licensure No person shall practice professional geology or represent oneself as a professional geologist who is not licensed by the board or whose license expired, or was canceled, suspended or revoked, except as otherwise provided in this subdivision. Licensure to practice geology shall not be required until after the one-year period set forth in RSA 310-A:125, II has ended.

310-A:125 Requirements for Licensure as a Professional Geologist.

I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition, each applicant shall have a bachelor's degree in geology or a bachelor's degree in a related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year college, or a master's or doctoral degree from an accredited graduate program in geology, including but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for an examination to be administered by the board. Unless otherwise provided, applicants shall take the examination and receive a passing score.

(b) Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I(a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting.

(c) A completed academic year of graduate study in geology may be applied either towards a year of the experience requirement of this section up to a total maximum of 2 years, or to the education requirement of this section, but not both.

(d) A completed academic year of college or graduate level teaching in geology may be applied towards a year of the experience requirement of this section.

II. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the board may issue licenses without examination to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements.

III. Whenever information presented in an application for licensure or renewal is determined by the board to be incomplete or insufficient, the board may require additional information as necessary to determine if the application requirements of this section have been met.

310-A:126 Ethical Standards. No person shall be eligible for licensure as a professional geologist who does not meet the ethical standards of the profession as set forth in the Code of Ethics of the American Institute of Professional Geologists, or other standards adopted by the board.

310-A:127 Continuing Education. Evidence satisfactory to the board of the completion in each biennial renewal period of a minimum of 24 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

I. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

II. References relating to experience in the practice of geology performed prior to the effective date of this subdivision may be provided by either a professional geologist or a person determined by the board to be of equivalent ethical standards, education and experience who may or may not have been licensed.

III. If the board denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

310-A:129 Examinations. Written technical examinations in geology shall be held at least annually at such times and places as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

310-A:131 Interstate Licensure; Temporary Permit.

I. Applicants who are licensed, certified, or registered in another state, provided the other state's licensing, certification, or registration requirements are substantially equivalent to or more stringent than those of this state, may be granted a license without examination upon application to the board, submission of a copy of such license, certification or registration, payment of an application fee, and submission of evidence suitable to the board of good professional standing in the other state.

II. A person having no established place of business in this state who wishes to practice or to offer to practice geology in this state may make application to the board for a temporary permit. A temporary permit may be issued which is limited to practice on a specific project in this state for a period not to exceed an aggregate of 30 days in any calendar year, provided such person is a licensed professional geologist in a state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or more stringent than those specified in this subdivision.

310-A:132 License Expiration and Renewals.

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late fee as established by the board.

III. If the renewal fee is not submitted within one year of the expiration date, an application for reinstatement shall be required and approved by the board to reinstate the license.

310-A:133 Investigations and Disciplinary Proceedings.

I. The board may undertake investigations or disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon complaint of any person which charges that a person licensed by the board has committed misconduct under paragraphs II or III and which specifies the grounds therefor.

II. A finding by the board of any of the following types of misconduct will be grounds for the revocation of a license:

(a) The practice of fraud or deceit in procuring or attempting to procure or renew a license to practice under this subdivision;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Unfitness or incompetency by reason of negligent habits or other causes, or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee;

(d) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision;

(e) Mental or physical incompetency to practice under this subdivision;

(f) Willful or repeated violation of the provisions of this subdivision;

(g) Providing false testimony before the board; or

(h) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of geology.

III. A finding by the board of any of the following types of misconduct may be sufficient to support revocation or suspension of a license:

(a) Unprofessional, unethical, or dishonorable conduct unworthy of, and affecting the practice of geology;

(b) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated;

(c) Violations of the rules of the ethical standards of the profession; or,

(d) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

310-A:134 Investigations; Enforcement.

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

II. The superior court, upon application by the attorney general, shall have jurisdiction to issue such person an order requiring such person to appear before the board, its members or agents, and to produce evidence, if so ordered, or to give testimony. Any failure to obey such order of the court may be punishable by the court as contempt.

III. The board is hereby authorized to apply through the attorney general for relief by injunction to the superior court, to enforce the provisions of this subdivision or to restrain any violation of the provisions of this subdivision. In such proceedings, it shall be unnecessary to allege or to prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from any continued violation. The members of the board shall not be personally liable under these proceedings.

IV. The actions by the board shall be binding upon applicants for licensure and all persons licensed under this subdivision, and shall be applicable to any business organization which shall hold a certificate or registration under this subdivision.

V. Following an investigation of any complaint relating to a violation of any provision of this subdivision by a nonregistrant, and dependent on the result of such investigation, the board may present its findings to the attorney general, who shall enforce the provisions of this subdivision.

310-A:135 Hearings; Appeals; Penalties.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The attorney general, or a designee, shall act as legal advisor to the board if the board so requests, and render such legal assistance as deemed necessary by the board in carrying out the provisions of this subdivision. With the approval of the attorney general, the board may employ counsel and necessary assistance in carrying out the provisions of this subdivision. Reasonable compensation and expenses for counsel and legal assistance shall be paid from the funds of the board allocated for such purpose.

III. At any hearing, the named person or licensee shall have the right to:

- (a) Appear in person, by counsel, or both.
- (b) Produce evidence and witnesses.
- (c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. If, after such hearing, the board finds that a violation has occurred, the board may:

(a) Reprimand, suspend, refuse to renew, or revoke any license or authorization to practice granted under this subdivision.

(b) Require a person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(c) Require a person to practice under direct supervision of a licensed professional geologist for a period of time specified by the board.

(d) Levy civil penalties for violations.

VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.

VII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

310-A:136 Reissuance of Licenses. The board, for reasons it deems sufficient, may reissue a license to any person whose license has been revoked for more than one year, or suspended, provided 3 or more members of the board vote in favor of such reissuance.

310-A:137 Violations. The remedies and procedures provided in this subdivision are in addition to and not in substitution for other available remedies, procedures, or penalties.

310-A:138 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:124 on proceedings brought by the attorney general.

310-A:139 Exemptions; Practice of Professional Engineering.

I. Nothing in this subdivision shall be construed to prevent or affect:

(a) The practice of officers and employees of the government of the United States or the state while engaged within this state in the practice of geology for the federal government or the state.

(b) Work customarily performed by archeologists, chemists, geographers, or oceanographers, providing such work does not include the design and execution of geological investigation, being in responsible charge of geological work, or the drawing of geological conclusions and recommendations.

(c) The practice of engineering by a licensed engineer, the practice of architecture by a licensed architect, the practice of forestry by a licensed forester, the practice of land surveying by a licensed land surveyor, the practice of soil science by a certified soil scientist, or the practice of wetland science by a certified wetland scientist.

(d) The practice of geology by any person under the direct supervision and control of a professional geologist, provided such work does not include being in responsible charge of final geological reports or decisions.

(e) The practice of geology by any person in the employ of academic or research institutions, agencies of federal or state government, and not-for-profit research institutions.

II. Professional engineers, when engaged in the lawful practice of professional engineering under RSA 310-A, shall not be precluded from performing work which is defined in this subdivision as within the practice of the profession of geology, nor by a requirement that such work be performed by a professional geologist.

4 Effective Date. This act shall take effect 60 days after its passage.

2000-4624s**AMENDED ANALYSIS**

This bill establishes the board of professional geologists and authorizes the regulation of the practice, examination, licensure, and discipline of professional geologists.

SENATOR COHEN: Thank you very much, colleagues, for the ought to pass motion. The amendment replaces the entire bill, which we had voted inexpedient to legislate. It puts the text of SB 181, relative to the licensing of geologists, which the Senate passed and geologists and engineers have worked on for quite a while. It wasn't a problem. The House had passed it 174-91, but they were just a little bit short. My understanding is that the House will accept this and I expected to concur with this when it gets together on May 31. I would hope that we could pass this amendment, relative to licensure of geologists. I have the support of the sponsor on this and the House sponsor.

Floor Amendment adopted.

Ordered to third reading.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1471, relative to the department of employment security's power to approve building projects.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Leon Calawa
John Cloutier
Robert Daigle
William Leber

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1471, relative to the department of employment security's power to approve building projects.

Senator Larsen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: D'Allesandro, Larsen, Gordon

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Leon Calawa
Win McCarty
Candance White Bouchard
Norman Major

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

Senator Larsen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Larsen, J. King, Russman

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 326, relative to the joint health council.

SENATE NON CONCURS AND REQUESTS A COMMITTEE OF CONFERENCE

SB 326, relative to the joint health council.

Senator Squires moved to non concur and requests a Committee of Conference.

SENATOR WHEELER: Senator Squires, is SB 326 the House version of staggered terms for the Joint Health Council?

SENATOR SQUIRES: I need to see the bill also. I asked that, because I know that you have raised this issue with me, and I know that there was a problem, and I had withdrawn my original concurrence, which is...which you had seen. What this says is, that upon enactment of HB 1410 etceteras, the members of the Joint Health Council serving on the council as an effective date of that act, shall complete their existing terms of appointments. Upon expiration of these terms, members shall be appointed person two. And the idea here was, that the council would not, overnight, be reconstituted by people with no institutional memory whatsoever. But if there is some change that you think would improve this, that is certainly fine with me.

SENATOR WHEELER: I would very much like to go to a Committee of Conference on this because I do have a staggered term amendment that I think that is better than letting everybody just serve out their term. But it still keeps some consistency. I would very much like you to ask for a Committee of Conference.

SENATOR SQUIRES: I would be very happy to do that.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Squires, McCarley, Wheeler

Conferee Changes: Senator Krueger replaces Senator McCarley

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Senate Bill:

SB 326, relative to the joint health council.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Maurice Goulet
Nancy Stickney
Sylvia Holley
Robert Murphy

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Norman Major
Jeb Bradley
John Thomas
Naida Kaen

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

Senator Cohen moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: D'Allesandro, Below, F. King

MOTION OF RECONSIDERATION

Senator Klemm having voted with the prevailing side moved reconsideration on **HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board, whereby we ordered it to third reading.

Adopted.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

Senator Fraser moved inexpedient to legislate.

Adopted.

HB 1525 is inexpedient to legislate.

MOTION OF RECONSIDERATION

Senator Krueger having voted with the prevailing side moved reconsideration on **HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board, whereby the bill was inexpedient to legislate.

Adopted.

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

Senator Squires moved ought to pass.

SENATOR SQUIRES: Yes, given the nature of my earlier remarks, I guess that I now must offer a postscript to my valedictory. This has come about because of a difference of opinion among many things, but particular line 27. The difference of opinion seems to be whether line 27, which reads, "The committee shall have the same investigatory powers as the general court". Does that include the power to subpoena? A subject which I was not in favor of. As best that I can determine, that does not include the power of subpoena. If a committee is to be given that power, it has to be so endowed by a separate portion of the bill, which so empowers the committee to do it. Therefore, if the reason to do away with this bill is the presumed subpoena power...and in my opinion, it doesn't exist. But on a larger sense, I would like to speak briefly to the issue of sunshine. It is hard having six days of absence, but I don't understand the reluctance to put some light, some sunshine, as it were, on this committee, by the legislature. What is wrong with that? It now...the committee, seems to me, given the contentious nature of this whole debate, at least ought to explain why it was, last week, that a hospital in New Hampshire, had a \$30 million project approved, including four operating rooms, in which ambulatory surgery would be done, and no one said a word? That may be fine, but it does require some oversight. Some examination. Some explanation as to how it happened. That is all that this bill does. It ends in November. So how can it be such a dreadful prospect that we cannot allow, if possible, a brief moment of light into the dealings of this committee, which hitherto have been opaque. Thank you.

SENATOR FRASER: I would not presume to try to debate the merits of the bill as my colleague Senator Squires. The reason that I moved inexpedient to legislate on HB 1525 was because the original bill was SB 323, which is now part of HB 1464, which is going to a Committee of Conference. The other bill, HB 1525, which is the one that is before us now, is now part of SB 323, which is also going to a Committee of Conference. It was for that reason, in my view, that HB 1525 was no longer necessary and that is why I moved inexpedient to legislate, and I would ask the body to support that motion. I am opposed to the motion of ought to pass.

SENATOR WHEELER: I think that we had some confusion last week when we voted on this. We thought that we were voting on the amended version that Senator Squires had proposed in committee. But our amendment was not printed in the calendar, so we did indeed vote on HB 1525 as it passed the House. As Senator Fraser just told you, HB 1525 is now

SB 323, so I can't see why we would pass it twice. It wasn't that good to begin with. But, I also think that Senator Squires has misunderstood it. It is not ending in November, it goes into the Black Book as one of these permanent oversight committees. The study committee, is perhaps what you are thinking of and that we killed. This is an oversight committee for a very politically, super charged issue. An oversight committee that will be appointed in this polarized political atmosphere, that would be treating the symptom and not the disease. If we don't like the CON Board, if we don't like what it considers, the monetary thresholds instead of perhaps some better idea of what need is, then we ought to revisit the statute and not give oversight to something that people don't like. So I really urge you to support the inexpedient to legislate motion. This bill is entirely unnecessary.

Recess.

Out of Recess.

Question is on the motion of ought to pass.

A roll call was requested by Senator Roberge.

Seconded by Senator Larsen.

The following Senators voted Yes: F. King, Gordon, Roberge, Squires, Francoeur, Krueger, Brown, J. King, Russman, D'Allesandro.

The following Senators voted No: Johnson, Fraser, Below, McCarley, Trombly, Disnard, Eaton, Larsen, Wheeler, Klemm, Hollingworth, Cohen.

Yeas: 10 - Nays: 12

Senator Pignatelli (Rule #42).

Motion failed.

Senator Fraser moved inexpedient to legislate.

Adopted.

HB 1525 is inexpedient to legislate.

SUSPENSION OF THE RULES

Senator Trombly moved the Rules be so far suspended to allow the Senate President, for the purposes of concurring, acceding to requests for Committee of Conferences on those two pieces of legislation.

Adopted by the necessary 2/3 vote.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1504, relative to submission of biennial budget estimates by agencies.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Neal Kurk
Robert Clegg
Alan Thulander
William Knowles

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1504, relative to submission of biennial budget estimates by agencies.
Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: F. King, Below, McCarley

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Maurice Goulet
Alida Millham
Nancy Stickney
Robert Murphy

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

Senator F. King moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: F. King, Below, McCarley

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to the following entitled House Bill sent down from the Senate:

HB 1621-FN, allowing administrative home confinement for habitual offenders.

And requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Andrew Christie
David Welch
William Knowles
Beth Rodd

**SENATE ACCEDES TO HOUSE REQUEST FOR
COMMITTEE OF CONFERENCE**

HB 1621-FN, allowing administrative home confinement for habitual offenders.

Senator Pignatelli moved to accede to the request for a Committee of Conference.

Adopted.

The President, on the part of the Senate, has appointed as members of said Committee of Conference:

SENATORS: Pignatelli, Trombly, Brown

HOUSE MESSAGE

Having failed to obtain, as required by House Rule 35 (e), the required two-thirds vote necessary for introduction, the House of Representatives has refused to introduce the following entitled Senate Bill because the subject matter is substantially similar to legislation voted inexpedient to legislate by the House during the 1999 session:

SB 329, relative to the display of tobacco products.

SENATOR TROMBLY: I think, Madame President, that this is the second time that the House has refused to accept a Senate Message. I think that is just plain discourteous on their part. I remember when I was over in the House, there was a similar situation when I was the Democratic Leader, when the then Speaker of the House, had moved to not accept the Senate Message. I argued longly and loudly, that it is simply a matter of courtesy and that part of the democratic process that these two bodies respect what they do. Now you can let it in and kill it if you want, but I think that the House is displaying a certain amount of contempt for the Senate, and quite frankly, that is the second time that they have done it this session. I think that it is reprehensible. I think that we have done things, in terms of allowing their legislation in here, as a matter of comity, and respect for the other body. I couldn't let this go by today, because it is just plain wrong and I think that it does a disservice to the people that we serve. If the House leadership wants to kill our bills, for heavens sake, they should at least give us the courtesy of a public hearing and then doing it. I think that it is wrong, Madame President, and quite frankly, I think that individually, we ought to express our displeasure to the Speaker, on her attitude toward this body, because right now, they should be working with us because they know that we can't do this alone. If we are going to get through these Committee of Conferences, and get their legislation passed, then they need to show us the same respect that we showed them. This is the second time that they have done it and that is aggravated disrespect. Thank you, Madame President.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bill sent down from the Senate:

HB 1331, relative to campaign contributions by business organizations.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bill sent down from the Senate:

HB 1233, relative to interest on judgments.

2000-4633-EBA**08/09****Enrolled Bill Amendment to HB 1582**

The Committee on Enrolled Bills to which was referred HB 1582

AN ACT establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1582**

This enrolled bill amendment makes a grammatical correction to section 3 of the bill.

Enrolled Bill Amendment to HB 1582

Amend section 3 of the bill by replacing line 3 with the following:

(a) Examine employment and workplace policies of small businesses which enable

Senator Trombly moved adoption.

Adopted.

2000-4629-EBA**03/01****Enrolled Bill Amendment to HCR 35**

The Committee on Enrolled Bills to which was referred HCR 35

AN ACT urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HCR 35**

This enrolled bill amendment inserts an omitted word.

Enrolled Bill Amendment to HCR 35

Amend the first paragraph after the resolving clause of the resolution by replacing line 4 with the following:

of public protection at reasonable cost to our small cider makers; and Senator Trombly moved adoption.

Adopted.

2000-4632-EBA**04/10****Enrolled Bill Amendment to HCR 27**

The Committee on Enrolled Bills to which was referred HCR 27

AN ACT requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HCR 27

This enrolled bill amendment makes a grammatical correction in the resolution.

Enrolled Bill Amendment to HCR 27

Amend the resolution by replacing line 14 with the following:
representatives in state government to reaffirm, in no uncertain terms,
that the authority to tax under
Senator Trombly moved adoption.

Adopted.

2000-4683-EBA

04/01

Enrolled Bill Amendment to HB 1377

The Committee on Enrolled Bills to which was referred HB 1377

AN ACT prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1377

This enrolled bill amendment incorporates the changes made to RSA 326-B:10-a, III in this bill with the changes made to that same paragraph caused by the enactment of HB 1410 in the 2000 legislative session.

Enrolled Bill Amendment to HB 1377

Amend RSA 326-B:10-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The duties of the joint health council shall include, but not be limited to, *determining the type of A.R.N.P. formulary, exclusionary, inclusionary, or other*, and adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council unless there is a request for additional scientific information. Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.

Senator Trombly moved adoption.

Adopted.

2000-4640-EBA

08/10

Enrolled Bill Amendment to HB 733

The Committee on Enrolled Bills to which was referred HB 733

AN ACT relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 733

This enrolled bill amendment rennumbers RSA sections and references inserted by the bill, contingent upon the enactment of HB 1606-FN of the 2000 session.

Enrolled Bill Amendment to HB 733

Amend section 1 of the bill by replacing line 2 with the following:
after chapter 12-I the following new chapter:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering of RSA Chapter. If HB 1606-FN of the 2000 session becomes law, then RSA 12-J:1 – RSA 12-J:9 as inserted by section 1 of the bill, and any references to sections of RSA 12-J in the bill, shall be renumbered to read as RSA 12-K:1 – RSA 12-K:9, respectively.

Senator Trombly moved adoption.

Adopted.

2000-4668-EBA

08/09

Enrolled Bill Amendment to SB 469

The Committee on Enrolled Bills to which was referred SB 469
AN ACT relative to mutual insurance holding companies.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 469

This enrolled bill amendment makes technical corrections to RSA 403-F:3 as inserted by section 1 of the bill and inserts a missing word in RSA 403-F:4, I(b) as inserted by section 1 of the bill.

Enrolled Bill Amendment to SB 469

Amend RSA 403-F:3, I as inserted by section 1 of the bill by replacing lines 5-6 with the following:
and liabilities among 2 or more companies, issuance, acquisition or transfer of capital stock of one or more companies, or merger or consolidation of 2 or more companies. The mutual insurance

Amend RSA 403-F:4, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A description of the qualifications for membership in and the rights of members of the mutual insurance holding company.

Senator Trombly moved adoption.

Adopted.

2000-4670-EBA**08/09****Enrolled Bill Amendment to SB 468**

The Committee on Enrolled Bills to which was referred SB 468

AN ACT relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 468**

This enrolled bill amendment makes 2 grammatical corrections to section 2 of the bill. This enrolled bill amendment also renumbers the sections of a new RSA subdivision to avoid duplication with an RSA section inserted by 2000, 53.

Enrolled Bill Amendment to SB 468

Amend section 2 of the bill by replacing line 1 with the following:

2 New Subdivision; Family Division Established. Amend RSA 490 by inserting after section 32

Amend section 2 of the bill by replacing line 4 with the following:
490:33 Family Division.

Amend section 2 of the bill by replacing line 16 with the following:
commitment to, family law matters.

Amend section 2 of the bill by replacing line 21 with the following:
490:34 Jurisdiction. Notwithstanding any law to the contrary, for each county in which the

Amend section 2 of the bill by replacing line 27 with the following:
II. Actions for support or custody of children of unwed parties.

Amend section 2 of the bill by replacing line 39 with the following:
490:35 Equity Jurisdiction. Notwithstanding any law to the contrary and for each county in

Amend section 2 of the bill by replacing line 50 with the following:
490:36 Judges and Marital Masters. With the understanding of the special nature of matters

Senator Trombly moved adoption.

Adopted.

2000-4669-EBA**03/09****Enrolled Bill Amendment to SB 458**

The Committee on Enrolled Bills to which was referred SB 458

AN ACT increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 458**

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 458

Amend section 4 of the bill by replacing line 2 with the following:
RSA 100-A:44 – RSA 100-A:47 to read as follows:

Amend the bill by inserting after RSA 100-A:47 the following and re-number the original section 5 to read as section 6.

5 Change to Executive Director. Amend RSA 100-A:47-a to read as follows:

Senator Trombly moved adoption.

Adopted.

2000-4676-EBA

03/09

Enrolled Bill Amendment to SB 401-FN-A-LOCAL

The Committee on Enrolled Bills to which was referred SB 401-FN-A-LOCAL

AN ACT establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 401-FN-A-LOCAL**

This enrolled bill amendment makes technical corrections to RSA 227-M:8, V as inserted by section 1 of the bill and section 10 of the bill; and inserts an omitted word in RSA 227-M:13, I as inserted by section 1 of the bill.

Enrolled Bill Amendment to SB 401-FN-A-LOCAL

Amend RSA 227-M:8, V as inserted by section 1 of the bill by replacing line 4 with the following:

III(c)-(f). A minimum of 1/2 of the applicant's minimum match requirement must be provided in

Amend RSA 227-M:13, I as inserted by section 1 of the bill by replacing line 2 with the following:

community heritage authority shall recognize that the public interest and public safety and welfare may,

Amend section 10 of the bill by replacing line 3 with the following:
RSA 227-M:7, I upon the effective date of this act, but shall not be available for distribution until April 1,

Senator Trombly moved adoption.

Adopted.

2000-4646-EBA

03/10

Enrolled Bill Amendment to SB 334

The Committee on Enrolled Bills to which was referred SB 334

AN ACT relative to credit unemployment insurance.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 334

This enrolled bill amendment inserts a bill section which makes a punctuation change.

Enrolled Bill Amendment to SB 334

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-3 to read as 2-4, respectively.

1 Definition of Commissioner; Punctuation Change. Amend RSA 408-A:2, III (f) to read as follows:

(f) "Commissioner" means the insurance commissioner of the state of New Hampshire[-];

Senator Trombly moved adoption.

Adopted.

REPORT ON COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and /or Senate Bill:

HB 542, repealing the legacies and succession tax.

HB 1146, relative to tax increment financing.

HB 1210, relative to capital reserve funds.

HB 1250, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

HB 1251, relative to driver education training reimbursement.

HB 1308, relative to the manner in which candidates are listed on election ballots.

HB 1319, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

HB 1424, relative to reevaluation of a person's competency to stand trial.

HB 1431, relative to protective orders in domestic violence cases.

HB 1438, relative to transportation of children for involuntary emergency admissions.

HB 1582, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

SB 358, relative to court reporting services.

SB 379, relative to lottery scratch tickets.

Senator D'Allesandro moved adoption.

Adopted.

REPORT ON COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and /or Senate Bill:

HJR 20, urging the united States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

HJR 21, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

HJR 24, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

HB 304, relative to school employee and volunteer background investigations.

HB 1139, establishing a committee to study involuntary emergency admission hearings.

HB 1177, relative to the effective date of legislation establishing a chartered or statutory legislative committee.

HB 1309, relative to wood-to-energy rate order buydowns.

HB 1448, relative to the partition of real estate and division of property.

HB 1602, establishing the New Hampshire task force on deafness and hearing loss.

HB 1627, relative to the exchange of certain land in the town of Rindge.

SJR 1, concerning the status of the White Mountain national Forest within the U.S. Forest Service's forest management plan.

SB 206, relative to distribution of tobacco settlement funds.

SB 310, relative to New Hampshire state-chartered banks and interstate banking.

SB 318, relative to proposed joint maintenance agreements.

Senator D'Allesandro moved adoption.

Adopted.

SUSPENSION OF THE RULES

Senator Trombly moved that the Rules of the Senate be so far suspended as to allow the Senate President to assign Committee of Conference members.

Adopted by the 2/3 necessary.

SENATOR SQUIRES (Rule #44): I would just like to say a little bit about passages. Four years ago, almost exactly, I did my last operation. I remember that day, and being conscious of saying goodbye, and I did so with very mixed blessings. I miss the patients everyday. What I miss also, was the sense of unity in the operating room, there is nothing quite like that. You are focused on one and only one endeavor. But then my life was replaced, or enlarged, by coming to the Senate, and it has been a wonderful experience. No matter what happens to me, when I come into the State House, my first thought is here. Not just the room, which is of course lovely, but all of you, because you are my friends. I like everyone of you. I enjoy your company. You have all been exceedingly kind to me. Not once in four years have I ever felt anything said about me or too me, to be of a personal nature. I have come to understand that in some ways, this is like the operating room, we are focused on a joint enterprise to try and find ways by public policy and by statutes that we believe are in the best interest of all of the citizens, and that is a noble effort. I have come to understand the legislative process, the people in

it, and how it works. I have become a great fan of that. Nothing that I could have done after my change four years ago, could have come close to what I have received from this undertaking, so I am very grateful to you all for the assignments that you have given me and the patience that you have extended to me, and the wisdom that you have imparted to me. Thank you.

Third Reading and Final Passage

HB 1504, relative to submission of biennial budget estimates by agencies.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

Recess.

Out of Recess.

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Wednesday, May 31, 2000 at 10:00 a.m.

Adopted.

Adjournment.

May 31, 2000

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by Father David P. Jones, Senate Chaplain.

What you are concluding today is the fifth two-year Senate session I have been privileged to be a part of. And for me, this one is the one I will remember for the rest of my life - not because of the Claremont decision, the income tax issue, the death penalty debate, or any of the other vital matters you have so conscientiously wrestled with for us. What I will always remember are those few moments we had together in this chamber of Tuesday, August 31 of last year, just before we went next door to give thanks for the life of our friend Junie Blaisdell. On that day, party allegiances were irrelevant and there were no issues that mattered, except for the one thing we all had in common. No one cared where their office was that day. It didn't matter what your committee assignment was. No one gave much thought to who was a Senator and who was on staff. I distinctly remember that Republican tears looked exactly the same as did Democratic tears. No matter how many more sessions I serve as this role, I will never forget this session, for you are the people I was with when I was so forcefully reminded of that vital life lesson which we all seem to keep forgetting. It is the people of our lives that matter - not issues, not parties, not positions, not jobs, not elections, not taxes, not even our reputations. It is the people God gives us to love. That's what matters. So as you go on to do whatever comes next for you, I wish you Godspeed and I say "thanks", for because of this session, every one of you has become one of the people of my life - and that means that to me, you will always be very special. Let us pray:

O Lord our God, I ask You today to bless and protect these people of my life - Senators, staff members, lobbyists and the press corps. May You ever inspire them with large dreams that match their great value and then may You fulfill those dreams beyond their wildest expectations. Amen.

Senator Gordon led the Pledge of Allegiance.

INTRODUCTION OF GUESTS COMMITTEE OF CONFERENCE REPORTS

April 10, 2000

2000-4064-CofC

08/09

Committee of Conference Report on HB 97, an act relative to the right to farm.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to clarify the requirements of RSA 672:1, III-b, that farming and agriculture, as defined in RSA 21:34-a, shall not be unreasonably limited by the use of municipal planning and zoning powers.

2 Purposes of Zoning Ordinances. Amend RSA 674:17, I(g) and (h) to read as follows:

(g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care; ~~and~~

(h) To assure proper use of natural resources and other public requirements[-]; **and**

(i) To encourage the preservation of agricultural lands and buildings.

3 New Subdivision; Agricultural Uses of Land. Amend RSA 674 by inserting after section 32 the following new subdivision:

AGRICULTURAL USES OF LAND

674:32-a Presumption. In accordance with RSA 672:1, III-d, whenever agricultural activities are not explicitly addressed with respect to any zoning district or location, they shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices adopted by the commissioner of agriculture, markets, and food and with federal and state laws, regulations, and rules.

674:32-b Existing Agricultural Uses. Any agricultural use which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including best management practices adopted by the commissioner of agriculture, markets, and food; subject, however, to the following limitations:

(a) Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, or other local land use board approval.

(b) Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to applicable

special exception, building permit, or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

674:32-c Other General Provisions.

I. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.

II. Nothing in this subdivision shall exempt new, re-established, or expanded agricultural operations from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use.

III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL.

IV. Nothing in this subdivision shall be deemed to affect the regulation of sludge or septage.

4 Effective Date. This act shall take effect July 1, 2001.

The signatures below attest to the authenticity of this Report on HB 97, an act relative to the right to farm.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Wheeler, Dist. 21
Sen. Krueger, Dist. 16

*Conferees on the Part
of the House*

Rep. Babson, Carr. 5
Rep. K. Marshall, Merr. 4
Rep. Patten, Carr. 9
Rep. Phinzy, Sull. 7

Senator Below moved adoption.

Adopted.

May 25, 2000

2000-4722-CofC

08/10

Committee of Conference Report on HB 226-LOCAL, an act establishing municipality bond payment schedules and percentages.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 City of Concord; General Obligation Bonds. Notwithstanding any other provision of law to the contrary, the city of Concord may authorize, issue and sell general obligation bonds, which shall mature within 20 years from the date of issue, to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district established pursuant to the provisions of RSA 162-K, together with all relocation costs incidental thereto. Bonds issued under authority of this section shall be payable in annual payments which shall be so arranged that the amount of annual payment of principal and interest in any year on account of any bond shall not be less than the amount of principal and interest payable in any subsequent year by more than 10 percent of the principal of the entire bond. The total amount of such payments shall be sufficient to extinguish the entire bond on account of which they are made at maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 20 years after the date thereof. Each authorized issue of bonds shall be a separate loan. All dedicated tax increments received by the municipality pursuant to RSA 162-K:10 shall be pledged for the payment of those bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall not be included when computing the city of Concord's net debt under RSA 33.

The signatures below attest to the authenticity of this Report on HB 226-LOCAL, an act establishing municipality bond payment schedules and percentages.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. Wheeler, Dist. 21
Sen. Klemm, Dist. 22

*Conferees on the Part
of the House*

Rep. Leone, Sull. 2
Rep. Brundige, Hills. 18
Rep. St. Cyr, Merr. 8
Rep. Simon, Hills. 40

2000-4722-CofC

AMENDED ANALYSIS

This bill establishes municipal bond payment schedules, including a special schedule for the city of Concord. This bill also requires each issuance of bonds to be a separate loan.

Senator Fraser moved adoption.

Adopted.

May 18, 2000

2000-4593-CofC

03/01

Committee of Conference Report on HB 228, an act clarifying permissible political expenditures.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Applicability. The limitation on total expenditures established in section 1 of this act shall not apply to expenditures made prior to the effective date of this act.

The signatures below attest to the authenticity of this Report on HB 228, an act clarifying permissible political expenditures.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7
Sen. Eaton, Dist. 10
Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Clegg, Hills. 23
Rep. Horton, Coos 3
Rep. Letourneau, Rock. 13
Rep. Clemons, Hills. 31

Senator Trombly moved adoption.

SENATOR TROMBLY: Members of the Senate, you will remember that we passed this legislation last March. The Committee of Conference was set up with the House, and that Committee of Conference, quite frankly, was delayed to such a point, that the Committee of Conference Report was not signed off on until last week. There was one meeting of the Committee of Conference, at which Senators Eaton, McCarley and I attended, where we offered the House our position and they told us that they would get back to us in a week. In fact, it took them almost a month to do that. I think that you have been reading a lot in the papers about campaign finance reform, and I am going to speak a little bit more on that later, particularly surrounding the committee report on SB 303, because I think that it is important that the facts be in the record. But suffice it to say, the House did finally recede from their position of nonconcurrence and adopted our position, which was the amendment that said that the political expenditures will be counted against the cap for any expenditure made in the year in which the election is held. I think that this was a gamesmanship on the part of the House to delay signing off on this Committee of Conference Report, or even getting back to us as a Senate. Madame President, I spoke last week on the floor of the Senate, about how I felt that the House had not been considerate in treating us respectfully, relative to not taking our legislation, and I think that this is just one more classic example of how the House has mistreated the Senate this session, and I think that it is important that that be stated for the record.

Adopted.

May 24, 2000

2000-4662-CofC

08/09

Committee of Conference Report on HB 297-FN, an act permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 354-A:21, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) After the filing of any complaint, one of the commissioners designated by the chair shall make, with the assistance of the commission's staff, prompt investigation in connection therewith; during the course of the investigation, the commission shall encourage the parties to resolve their differences through settlement negotiations; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, the commissioner shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of. ***When the investigating commissioner finds no probable cause to credit the allegations in the complaint, the complaint shall be dismissed, subject to a right of appeal to superior court. To prevail on appeal, the moving party shall establish that the commission decision is unlawful or unreasonable by a clear preponderance of the evidence. The findings of the investigating commissioner upon questions of fact shall be upheld as long as the record contains credible evidence to support them. If it reverses the finding of the investigating commissioner, the superior court shall remand the case for further proceedings in accordance with RSA 354-A:21, II, unless the complainant or respondent elects to proceed with a hearing in superior court pursuant to RSA 354-A:21-a.***

Amend the bill by replacing section 6 with the following:

6 New Section; Claims of Unlawful Discriminatory Practices; Choice of Forum. Amend RSA 354-A by inserting after section 21 the following new section:

354-A:21-a Choice of Forum.

I. Any party alleging to be aggrieved by any practice made unlawful under this chapter may, at the expiration of 180 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party, to the same extent as damages and injunctive relief could be awarded by the commission in a complaint not removed. Any party alleged to have committed any practice made unlawful under this chapter may, in any case in which a determination of probable cause has been made by the investigating commissioner, remove said complaint to superior court for trial. A superior court trial shall not be available to any party if a hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b), or to a complainant whose charge has been dismissed as lacking in probable cause who has not prevailed on an appeal to superior court pursuant to RSA 354-A:21, II(a). In superior court, either party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the complaining party seeks affirmative relief.

II. The charging party shall notify the commission of the filing of any superior court action, and the respondent shall notify the commission of the removal to superior court after a finding of probable cause. After such notice, the commission shall dismiss the complaint without prejudice. A party electing to file a civil action with the superior court under

paragraph I shall be barred from bringing any subsequent complaint before the commission based upon the same alleged unlawful discriminatory practice.

Amend RSA 354-A:22, II as inserted by section 7 of the bill by replacing it with the following:

II. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission *in the case of a petition for judicial review*, and issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission, with full power to issue injunctions against any respondent and to punish for contempt of court. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. *In petitions to enforce commission orders, the court may, in its discretion, award the complaining party reasonable attorney's fees and costs.*

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 297-FN, an act permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12
Sen. Trombly, Dist. 7
Sen. Gordon, Dist. 2

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. L. Jean, Hills. 17
Rep. Craig, Hills. 38
Rep. Woods, Straf. 11

2000-4662-CofC

AMENDED ANALYSIS

This bill:

I. Provides a right of appeal to superior court on a claim of a discriminatory practice after a finding of no probable cause by a human rights commissioner.

II. Allows a party alleging to be aggrieved by an unlawful discriminatory practice to bring a civil action in superior court for damages or injunctive relief or both.

III. Allows a party alleged to have committed an unlawful discriminatory practice, when there has been a determination of probable cause by the investigating commissioner, to remove a complaint to superior court for trial.

IV. Allows the commission to charge fees for educational services, programs, publications, and other materials.

V. Changes the quorum to 4 members for purposes of conducting the commission's business.

Senator Squires moved adoption.

Adopted.

May 25, 2000

2000-4702-CofC

03/01

Committee of Conference Report on HB 413-FN-A, an act relative to the renovation of regional vocational education centers, and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. It is hereby declared to be the policy of the state of New Hampshire to support the funding of the regional vocational education centers within the capital budget or legislative funding process.

2 Regional Vocational Education; Appropriation for Renovation and Expansion; Approval and Funding. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Funding for Renovation and Expansion.

I. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of regional vocational education centers or regional vocational education programs provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a;

(d) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund not less than 75 percent of the cost of a project approved pursuant to this section.

II. The renovation and expansion reserve funding required by subparagraph I(d) may be funded through local community funds, vocational education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.

3 Regional Vocational Education; Tuition Payments Clarified. Amend RSA 188-E:7 to read as follows:

188-E:7 Tuition. The department of education is authorized to pay from its regular budget tuition for full or part-time students, attending programs at designated vocational centers or designated vocational educational courses at other comprehensive high schools, whose residence is in a district where the high school of normal attendance does not offer a similar vocational education course. The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A *provided that a receiv-*

ing district may charge a student from a sending district a differential vocational education rate and that the receiving district shall deposit that differential into its capital reserve account to be used for vocational centers and equipment.

4 Applicability; Funding Limitation. Any regional vocational education center or regional vocational education program which received approval from the state board of education for initial construction before July 1, 1997 and which has not commenced construction prior to the effective date of this act shall be exempt from the provisions of RSA 188-E:10, I(d). This exemption shall not apply to any other cost-sharing requirements of RSA 188-E or rules of the department of education.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 413-FN-A, an act relative to the renovation of regional vocational education centers, and making an appropriation therefor.

***Conferees on the Part
of the Senate***

Sen. Larsen, Dist. 15
Sen. McCarley, Dist. 6
Sen. Squires, Dist. 12

***Conferees on the Part
of the House***

Rep. Leber, Merr. 1
Rep. McCarty, Hills. 38
Rep. Cloutier, Sull. 8
Rep. Alukonis, Hills. 23

Senator Larsen moved adoption.

SENATOR LARSEN: I just quickly want to say that this is a product of four long years worth of work. I want to thank the members of the Senate Education Committee and the Senate Capital Budget Committee and those who served on the Committee of Conference for working this issue through. It is incredibly important, for what I believe, and I think that all of you believe, is the training of our young people to go into the workforce as skilled workers in a new economy. I am very proud that we are able to sign off on this. I urge concurrence.

Adopted.

May 25, 2000

2000-4691-CofC

10/09

Committee of Conference Report on HB 417-FN-A, an act relative to the rehabilitation of the Walker building at the New Hampshire hospital and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Hampshire Hospital; Walker Building. To provide for the design, rehabilitation and reconstruction of the New Hampshire Hospital Walker building, the department of administrative services, in conjunction with the department of transportation, shall engage an architectural firm to design an energy efficient office complex and develop bid specifications for the conversion of the Walker building, including a parking plan.

The signatures below attest to the authenticity of this Report on HB 417-FN-A, an act relative to the rehabilitation of the Walker building at the New Hampshire hospital and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. Larsen, Dist. 15
Sen. J. King, Dist. 18
Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Calawa, Hills. 17
Rep. McCarty, Hills. 38
Rep. Bouchard, Merr. 22
Rep. Major, Rock. 16

Senator Larsen moved adoption.

SENATOR LARSEN: I promise not to speak on every bill, but this happens to be two important bills in a row. The Walker Building has remained vacant for nine years. When I first came to the Senate I held up pictures of its decay, but it is a handsome building. With this creative use of state funds, we are able to renovate the Walker Building after nine years of decay. In fact, we will have a beautiful new office building that the state can use. It is a wonderful process for that corner as well, as the gateway to the City of Concord. Thanks.

Adopted.

May 25, 2000

2000-4680-CofC

09/10

Committee of Conference Report on HB 505-FN, an act establishing a special license plate for veterans.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

The signatures below attest to the authenticity of this Report on HB 505-FN, an act establishing a special license plate for veterans.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Roberge, Dist. 9
Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Packard, Rock. 29
Rep. Letourneau, Rock. 13
Rep. J. Flanders, Rock. 18
Rep. Peter Cote, Hills. 32

2000-4680-CofC

AMENDED ANALYSIS

This bill establishes a special license plate for veterans.

Senator Gordon moved adoption.

Adopted.

May 25, 2000

2000-4699-CofC

04/09

Committee of Conference Report on HB 553-FN-A, an act establishing a commission on the status of men.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the public, appointed by the speaker of the house.

II. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before February 15, 2001.

The signatures below attest to the authenticity of this Report on HB 553-FN-A, an act establishing a commission on the status of men.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24

Sen. Larsen, Dist. 15

Sen. Brown, Dist. 17

*Conferees on the Part
of the House*

Rep. Sapareto, Rock. 13

Rep. Zolla, Rock. 13

Rep. Boyce, Belk. 5

Rep. Burkush, Hills. 45

Senator Cohen moved adoption.

Adopted.

May 26, 2000

2000-4736-CofC

09/01

Committee of Conference Report on HB 618-FN-A, an act establishing a voucher program for smoking cessation.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 618-FN-A, an act establishing a voucher program for smoking cessation.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12

Sen. Fernald, Dist. 11

Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Emerton, Hills. 7

Rep. Batula, Hills. 18

Rep. Haettenschwiller, Hills. 29

Rep. Wendelboe, Belk. 2

Senator Squires moved adoption.

Adopted.

May 25, 2000

2000-4695-CofC

08/04

Committee of Conference Report on HB 648-FN, an act relative to a sludge testing program.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 648-FN, an act relative to a sludge testing program.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24

Sen. Wheeler, Dist. 21

Sen. Brown, Dist. 17

*Conferees on the Part
of the House*

Rep. Leishman, Hills. 13

Rep. Messier, Hills. 46

Rep. B. Hall, Hills. 20

Rep. Almy, Graf. 14

Senator Cohen moved adoption.

Adopted.

May 24, 2000

2000-4664-CofC

04/09

Committee of Conference Report on HB 690-FN-LOCAL, an act relative to charter schools and open enrollment districts.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 690-FN-LOCAL, an act relative to charter schools and open enrollment districts.

*Conferees on the Part
of the Senate*

Sen. McCarley, Dist. 6

Sen. Johnson, Dist. 3

Sen. Disnard, Dist. 8

*Conferees on the Part
of the House*

Rep. Durham, Hills. 22

Rep. Alger, Graf. 9

Rep. Cox, Rock. 24

Rep. Hunt, Ches. 10

Senator McCarley moved adoption.

Adopted.

May 25, 2000

2000-4694-CofC

03/01

Committee of Conference Report on HB 713-FN, an act relative to penalties for multiple DWI offenses.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 265:82-e, I as inserted by section 2 of the bill by replacing it with the following:

I. Any person whose license or permission to drive has been revoked or suspended for an aggravated DWI offense under RSA 265:82-b, I(b), I(c), or a subsequent DWI offense under RSA 265:82-b, II may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than 2 years. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

Amend RSA 265:82-e, IV as inserted by section 2 of the bill by replacing it with the following:

IV. An ignition interlock device may not be sold or distributed in this state without the device being approved by the commissioner or the department of safety.

Amend the introductory paragraph of RSA 265:82-e, VI as inserted by section 2 of the bill by replacing it with the following:

VI. The commissioner shall adopt rules and regulations to create an ignition interlock program that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

Amend RSA 265:82-e, VI(f) as inserted by section 2 of the bill by replacing it with the following:

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock rules.

Amend RSA 265:79 as inserted by section 3 of the bill by replacing it with the following:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than ~~[\$500]~~ **\$1,000** and his *or her* license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

Amend RSA 630:3, III as inserted by section 4 of the bill by replacing it with the following:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. *In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also*

require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.

Amend the bill by deleting section 5 and renumbering section 6 to read as section 5.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. RSA 265:82-e, III as inserted by section 2 of this act shall take effect January 1, 2004.

II. The remainder of this act shall take effect January 1, 2002.

The signatures below attest to the authenticity of this Report on HB 713-FN, an act relative to penalties for multiple DWI offenses.

*Conferees on the Part
of the Senate*

Sen. Brown, Dist. 17

Sen. Trombly, Dist. 7

Sen. Squires, Dist. 12

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22

Rep. Tholl, Coos 5

Rep. Sargent, Hills. 3

Rep. Rodd, Merr. 3

Senator Brown moved adoption.

Adopted.

May 24, 2000

2000-4658-CofC

10/09

Committee of Conference Report on HB 725, an act relative to rulemaking under the administrative procedures act.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 541-A:1, XV as inserted by section 2 of the bill by replacing it with the following:

XV. "Rule" means each regulation, standard, or other statement of general applicability adopted by an agency to (a) implement, interpret, or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters, or other explanatory material which ~~refers~~ *refer* to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against ~~him~~ *such employee*, (d) declaratory rulings, or (e) forms. *The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system. Notwithstanding the*

requirements of RSA 21-I:14, the term "rule" shall not include the manual described in RSA 21-I:14, I or the standards for the format, content, and style of agency annual and biennial reports described in RSA 21-I:14, IX, which together comprise the manual commonly known as the administrative services manual of procedures. The manual shall be subject to the approval of governor and council.

Amend the bill by replacing section 15 with the following:

15 Time Limit; Reference to Manual Added; Expansion of Rules Which do not Expire. Amend RSA 541-A:17, I and II to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, ***in conformance with the drafting and procedure manual adopted under RSA 541-A:8.***

II. Notwithstanding the provisions of paragraph I, the ~~[organizational]~~ rules proposed and adopted pursuant to RSA 541-A:16, I(a), (b)(2), (b)(3), (c), and (d) shall not expire, provided that they have been approved by the committee. ***No changes to such rules may be made by the agency, other than editorial changes not affecting the substance of the rules, without following the rulemaking procedures required in this chapter.*** However, if ~~the adoption or amendment of~~ a statute governing the agency ~~[reorganizes or reassigns any of the responsibilities outlined in the agency's rules describing its organization]~~ ***renders the agency's rules under RSA 541-A:16, I(a), (b)(2), (b)(3), (c), or (d) no longer accurate***, such rules shall expire one year after the effective date of the statute that makes such change, ~~[and]~~ ***unless such rules are amended, superseded, or repealed before such expiration.*** The agency shall commence rulemaking to amend its rules no later than ~~[6 months]~~ ***90 days*** after the effective date of such statute. If the agency reorganizes its organization and responsibilities in such a way that the agency's rules ***under RSA 541-A:16, I(a)*** describing its organization are no longer accurate, the agency shall amend its rules as soon as is practicable, but shall commence rulemaking not later than ~~[6 months]~~ ***90 days*** after such changes occur.

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 26:

25 Application. The provisions of this act shall govern the following on or after the effective date of this act:

(a) All rulemaking initiated by filing a notice of rulemaking under RSA 541-A:6.

(b) All emergency rules adopted under RSA 541-A:18.

(c) All interim rules initiated by filing a proposed interim rule under RSA 541-A:19, II.

The signatures below attest to the authenticity of this Report on HB 725, an act relative to rulemaking under the administrative procedures act.

*Conferees on the Part
of the Senate*

Sen. Larsen, Dist. 15
Sen. D'Allesandro, Dist. 20
Sen. Klemm, Dist. 22

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2
Rep. O'Neil, Rock. 22
Rep. Torr, Straf. 12
Rep. Virtue, Merr. 9

Senator Larsen moved adoption

Adopted.

May 24, 2000

2000-4647-CofC

01/09

Committee of Conference Report on HB 1106, an act making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1106, an act making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19
Sen. Pignatelli, Dist. 13
Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Calawa, Hills. 17
Rep. McCarty, Hills. 38
Rep. Morse, Rock. 28
Rep. Ahern, Hills. 38

Senator Russman moved adoption.

Adopted.

May 25, 2000

2000-4715-CofC

04/09

Committee of Conference Report on HB 1188-FN-LOCAL, an act relative to alternative kindergarten programs.

Recommendation:

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 198:48-a,VII as inserted by section 1 of the bill by replacing it with the following:

VII.(a) Upon the effective date of this paragraph, and for each fiscal year through June 30, 2003, an adequate education grant of \$750 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established under this section.

(b) Once pupils enrolled in an approved alternative kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:40 through RSA 198:42.

Amend the bill by replacing all after section 1 with the following:

2 Public Kindergarten Programs; Per Pupil Reimbursement. 1999, 65:9, I is repealed and reenacted to read as follows:

I.(a) If a school district implements a public kindergarten program during school year 1998-1999 through school year 2002-2003 inclusive,

the school district maintaining such a kindergarten program shall receive reimbursement at the rate of \$750 per pupil for each fiscal year through June 30, 2003.

(b) Notwithstanding 1999, 65:9, I(a), once pupils enrolled in a public kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant calculated in accordance with RSA 198:40 through RSA 198:42.

3 Repeal. RSA 1999, 65:9, II, relative to reimbursement for public kindergarten programs implemented in the 2000-2001 school year, is repealed.

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1188-FN-LOCAL, an act relative to alternative kindergarten programs.

*Conferees on the Part
of the Senate*

Sen. McCarley, Dist. 6
Sen. D'Allesandro, Dist. 20
Sen. Gordon, Dist. 2

*Conferees on the Part
of the House*

Rep. O'Hearn, Hills. 26
Rep. Kurk, Hills. 5
Rep. Belvin, Hills. 14
Rep. Snyder, Straf 14

Senator McCarley moved adoption.

SENATOR MCCARLEY: I want to thank the members of the Committee of Conference first off and say that the Senate position on this bill was that at some point in time, sooner rather than later, districts that had chosen to put in public kindergarten should all receive a reimbursement at the same rate. Also, I think that it is very important to mention that we have reinstated, and it was part of the Senate position, to allow communities to opt into an alternative kindergarten program where they can contract with a private kindergarten, to therefore provide public kindergarten. It was an important part of it, a big component of this bill was that...I think that was important language to get back in. We did not end up with the Senate position, in terms of the reimbursement rates, but we certainly did guarantee for all of those communities that had started kindergarten since 1999, that they will be guaranteed a reimbursement of \$750 per child, until we can adjust the average daily membership. I think that it is important that while the complete Senate position was not held, there is a guarantee for those communities that are choosing to start a kindergarten or have started a kindergarten this last year, and in the next two years.

SENATOR BELOW: I certainly appreciate and respect the members of the Committee of Conference who signed off on this bill. I started out on this Committee of Conference but didn't feel like I could support it in the end, although I think that the alternative kindergarten program is very important. I just want to speak to why, because I think that although that Senator Gordon and Senator McCarley did strongly support the Senate position and we couldn't prevail, we simply had no leverage with the House on this issue. So I hope that it will be something that the Senate will come back and visit next year. The issue, fundamentally, the Senate had adopted a position that starting in the next biennium, all kindergarten pupils should receive the same funding. Currently, they're getting about \$1600 per pupil for existing kindergartens, and new kindergarten programs are only getting \$750 per pupil and yet people are paying the same statewide property tax. It just seems like a basic issue of

equity and fairness, that we don't ask people to start new kindergarten programs to have to pay twice, both through the state taxes and through additional local taxes that other communities don't have to pay to support kindergarten. The point is, that because of the lag in the ADMR that is used to compute the formula, it is expected that the school year ending in June of 1999 will be the figures that will be used for the next biennium, fiscal year 2002 and 2003. So if you started kindergarten this past year, school year 2000, you will be locked in at \$750 per pupil. This year, next year, 2002-2003, four years of getting less than half of what everyone else is getting. Again, I appreciate the members of the Committee who fought hard for the Senate position and I hope that we will have a chance to revisit this in the next session. Thank you.

SENATOR GORDON: I just wanted to speak as a member of the Committee of Conference. I wanted to state how absurd that I think that the House position is. Three years ago, I sat on the Committee of Conference that had to do with the kindergarten incentive program. What we wanted to do was to incite people to create kindergartens. What we were going to do was to give them \$750 per student in order to create kindergartens in the state. By virtue of the fact that we passed that legislation three years ago, we now find ourselves in the situation where we are giving everybody \$1600 per student, for kindergarten, unless you go and start a kindergarten, in which case we will give you \$750. We will give you less to start a kindergarten than if you had one in place. It is an absurd position. Basically, the House said, and acknowledged the fact that it isn't fair. They acknowledged the fact that it is absurd, but say that it costs \$3 million and we are just not going to do it. I think that it is a terrible position. I think that it is unfair. Everybody is being taxed at the same rate, this whole issue that we have been dealing with for two years has been about equity. Everybody is being taxed at the same rate, and now what we are going to do is end up giving less money to people who create kindergartens than people who already have them. I reluctantly signed off on the report. I signed off on the report because there are alternative kindergartens out there, that in effect, would have been closed down, who receive no reimbursement, unless we did go along with the House plan. So I have signed off, but I just want to let you know that I think that the House was entirely unfair, unreasonable and really didn't view this issue from a common sense point of view.

Adopted.

May 25, 2000

2000-4714-CofC

04/10

Committee of Conference Report on HB 1189-FN, an act relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Temporary, Part Time Contract Workers. Amend RSA 282-A:9, IV(w) to read as follows:

(w) Service performed by an individual who, on a temporary, part-time, contract basis, demonstrates products, offers samples of products or promotional materials to customers, conducts store audits or performs mystery shopping as part of an advertising or sales promotion for the products when such activities are conducted in the field or over the telephone on premises not used or controlled by the person for whom such contract services are being provided, ***however such exemptions shall not apply to such service performed for the state or any of its political subdivisions or for an organization described in section 501(c)(3) and exempt under section 501(a) of the Internal Revenue Code.***

2 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1189-FN, an act relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21
Sen. McCarley, Dist. 6
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Daniels, Hills. 13
Rep. Clegg, Hills 23
Rep. N. Wall, Hills. 22
Rep. J. Kelley, Rock. 22

2000-4714-CofC

AMENDED ANALYSIS

This bill creates an exemption within a group of temporary, part-time employees not eligible to receive benefits.

Senator Wheeler moved adoption.

Adopted.

May 23, 2000

2000-4630-CofC

03/10

Committee of Conference Report on HB 1198, an act establishing a procedure for the 2001 voter checklist verification.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph IV of section 2 of the bill by replacing it with the following:

IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if the person voted during the year 2000 in the presidential primary election; the state primary election; the state general election; or in a municipal election; school district election; special election; or any municipal vote, including 1999 city general election, in which the checklist was used.

The signatures below attest to the authenticity of this Report on HB 1198, an act establishing a procedure for the 20001 voter checklist verification.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7
 Sen. Disnard, Dist. 8
 Sen. Eaton, Dist. 10

*Conferees on the Part
of the House*

Rep. Clegg, Hills. 23
 Rep. Horton, Coos 3
 Rep. Stritch, Rock. 5
 Rep. Buckley, Hills. 44

000-4630-CofC

AMENDED ANALYSIS

This bill establishes a procedure for the 2001 voter checklist verification that automatically reregisters only those persons who voted during the year 2000 or a 1999 city general election.

This bill is a request of the committee established by 1999, 11.

Senator Trombly moved adoption.

Adopted.

May 24, 2000

2000-4656-CofC

09/10

Committee of Conference Report on HB 1202-LOCAL, an act making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraphs I and II of section 13 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 21-J:14, the commissioner of revenue administration may disclose data from department records, files or returns to any consultant under contract with the fiscal committee of the general court pursuant to 1999, 338:23 for the purpose of, and to the extent necessary for, the performance of the contract for the development and implementation of the tax policy simulation and forecasting models authorized pursuant to 1999, 338:23. The persons to whom such disclosure may be made shall include subcontractors to the consultant specifically approved pursuant to the contract with the fiscal committee. No disclosure shall be made which would violate the provisions of any federal or state compact or agreement for the exchange of information between the department of revenue administration and the Internal Revenue Service of the United States or any other state. Officers, employees, or approved subcontractors of the consultant having in their custody or control any confidential taxpayer information obtained from the department pursuant to this paragraph shall be subject to the provisions of RSA 21-J:14.

II. Any database developed by the consultant or other person which contains confidential information that identifies, or permits identification of, particular tax returns or taxpayers disclosed pursuant to paragraph I shall reside in the custody of the department of revenue administration.

The signatures below attest to the authenticity of this Report on HB 1202-LOCAL, an act making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Fraser, Dist. 4
Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Kurk, Hills. 5
Rep. Alukonis, Hills. 23
Rep. Vaughn, Rock. 35
Rep. Clegg, Hills. 23

Senator Below moved adoption.

Adopted.

May 17, 2000

2000-4563-CofC

04/10

Committee of Conference Report on HB 1212, an act relative to extending the reporting date of the open adoption study committee.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1212, an act relative to extending the reporting date of the open adoption study committee.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7
Sen. Squires, Dist. 12
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Lyman, Carr. 5
Rep. Gile, Merr. 16
Rep. Arnold, Hills. 20
Rep. Bickford, Straf. 1

Senator Trombly moved adoption.

Adopted.

May 25, 2000

2000-4723-CofC

10/01

Committee of Conference Report on HB 1259-FN, an act establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 10 with the following:

10 1991 Appropriation; Port Authority; Rip-Rap Project Added. Amend 1991, 351:5, as amended by 1992, 260:20, 1994, 204:1 and 2000, 15:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the

north yard of the port, the construction of a 750-foot pier, dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, [and] renovation of any commercial fish piers that may be transferred to the port authority, **and the rip-rap project on River Street in Seabrook**. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion \$18,300,000

Total state appropriation section 5 \$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. \$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study. The remaining \$14,600,000 is designated for construction, renovation and dredging projects including associated mitigation. This appropriation shall be nonlapsing until the project is completed. The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000.)

The signatures below attest to the authenticity of this Report on HB 1259-FN, an act establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

*Conferees on the Part
of the Senate*

Sen. F. King, Dist. 1

Sen. Hollingworth, Dist. 23

Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Alukonis, Hills. 23

Rep. Brundige, Hills. 18

Rep. Leber, Merr. 1

Rep. Vaughn, Rock. 35

Senator F. King moved adoption.

Adopted.

May 24, 2000

2000-4636-CofC

03/09

Committee of Conference Report on HB 1329, an act relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-8 to read as 4-9:

3 New Subdivision; Gas Utility Restructuring Oversight Committee. Amend RSA 374 by inserting after section 59 the following new subdivision:

GAS UTILITY RESTRUCTURING OVERSIGHT COMMITTEE

374:60 Gas Utility Restructuring Oversight Committee Membership and Duties.

I. There is established a gas utility restructuring oversight committee to work with the commission to oversee issues related to competitive supply of natural gas to individual customers and potential restructuring of the gas utility industry in New Hampshire.

II. The members of the committee shall be as follows:

(a) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, appointed by the speaker of the house. The speaker of the house may also appoint up to 5 additional house members as alternates, if deemed appropriate.

III. The first-named house member shall call the first meeting which shall be held within 60 days of the effective date of this section. The members shall elect a chairperson at the first meeting. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Work with the commission to examine and oversee issues related to the competitive supply of natural gas to individual customers in New Hampshire, including the development of any new legislation necessary to provide for gas utility restructuring and retail choice of gas suppliers.

(b) Work with the commission and other agencies, where necessary, to implement gas utility restructuring.

V. The committee shall submit an annual report on or before November 1 of each year to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library.

The signatures below attest to the authenticity of this Report on HB 1329, an act relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Fraser, Dist. 4
Sen. F. King, Dist. 1

*Conferees on the Part
of the House*

Rep. Arnold, Hills. 20
Rep. Bradley, Carr. 8
Rep. Bergeron, Hills. 32
Rep. Lynde, Hills. 24

Senator Below moved adoption.

Adopted.

May 25, 2000

2000-4726-CofC

08/10

Committee of Conference Report on HB 1414, an act authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 New Section; Municipal Electric, Gas, Or Water Systems; Limitation On Purchase Of Certain Fossil Fuel Facilities. Amend RSA 38 by inserting after section 36 the following new section:

38:37 Limitation on Purchase, Construction, or Operation of Certain Fossil Fuel Facilities.

I. Except as provided in paragraph II, no municipal electric utility or municipality may, after July 1, 2000, purchase, construct, or operate any fossil fuel plants for the manufacture of electricity and sale to customers beyond the bounds of the municipality.

II. Following consultation with the department of environmental services to adequately address present and future environmental impacts, a municipality or a municipal electric utility may petition the department for specific permission for such acquisition, operation, or construction.

The signatures below attest to the authenticity of this Report on HB 1414, an act authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Russman, Dist. 19
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Bradley, Carr. 8
Rep. Thomas, Belk. 3
Rep. Maxfield, Merr. 9
Rep. Norelli, Rock. 31

2000-4726-CofC

AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Provides that no municipal electric utility or municipality may, after July 1, 2000, purchase, construct, or operate any fossil fuel plants for the manufacture of electricity and sale to customers beyond the bounds of the municipality, unless the utility or municipality petitions the department of environmental services and is granted permission.

IV. Provides that the commissioner of environmental services may consider cost effectiveness when setting ambient groundwater quality standards.

Senator Below moved adoption.

Adopted.

May 25, 2000

2000-4696-CofC

09/04

Committee of Conference Report on HB 1418-FN-LOCAL, an act relative to mercury-containing products.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1418-FN-LOCAL, an act relative to mercury-containing products.

*Conferees on the Part
of the Senate*

Sen. McCarley, Dist. 6

Sen. Below, Dist. 5

Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Scanlan, Graf. 11

Rep. Melcher, Hills. 11

Rep. Messier, Hills. 46

Rep. Lynde, Hills. 24

Senator McCarley moved adoption.

Adopted.

May 24, 2000

2000-4638-CofC

01/09

Committee of Conference Report on HB 1463, an act making technical corrections related to the mental health system and guardianship hearings.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1463, an act making technical corrections related to the mental health system and guardianship hearings.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21

Sen. Trombly, Dist. 7

Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. P. Dowling, Rock. 13

Rep. Richardson, Ches. 12

Rep. Arnold, Hills. 20

Rep. Thulander, Hills. 6

Senator Wheeler moved adoption.

Adopted.

May 25, 2000

2000-4717-CofC

09/04

Committee of Conference Report on HB 1464, an act relative to the licensing process for new health care facility construction.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on HB 1464, an act relative to the licensing process for new health care facility construction.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12
Sen. McCarley, Dist. 6
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Emerton, Hills. 7
Rep. Batula, Hills. 18
Rep. Pilliod, Belk. 3
Rep. Donovan, Sull. 11

Senator Squires moved adoption.

Adopted.

May 25, 2000

2000-4706-CofC

10/04

Committee of Conference Report on HB 1471, an act relative to the department of employment security's power to approve building projects.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the introductory paragraph of RSA 282-A:112, V as inserted by section 2 of the bill by replacing it with the following:

V. Notwithstanding any provision of the law to the contrary, the consent of the capital budget overview committee, established in RSA 17-J, shall be required for all total project agreements exceeding \$50,000 for:

The signatures below attest to the authenticity of this Report on HB 1471, an act relative to the department of employment security's power to approve building projects.

*Conferees on the Part
of the Senate*

Sen. D'Allesandro, Dist. 20
Sen. Larsen, Dist. 15
Sen. Gordon, Dist. 2

*Conferees on the Part
of the House*

Rep. Calawa, Hills. 17
Rep. Cloutier, Sull. 8
Rep. McCarty, Hills. 38
Rep. Leber, Merr. 1

Senator D'Allesandro moved adoption.

Adopted.

May 26, 2000

2000-4754-CofC

10/09

Committee of Conference Report on HB 1504, an act relative to submission of biennial budget estimates by agencies.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Requests for Appropriations; Definition of Maintenance Expenditure. Amend RSA 9:4, II to read as follows:

II. In this section "maintenance expenditure" means:

(a) The cost of providing the same level of service authorized and funded in the preceding fiscal year, incorporating changes in the population, economic conditions, and other factors outside the control of the PAU. ~~[The maintenance level shall include adjustments for]~~ ***The governor shall provide criteria for the development of maintenance expenditures which may include the following:***

(1) Any increases or decreases in the cost of purchased goods or services due to general price changes in the economy at large;

(2) Salary steps within grade;

(3) New positions necessary to provide the same level of service;

(4) Additional operating costs associated with previously authorized capital improvement projects to be completed during the biennium;

(5) Reductions for non-recurring costs of the prior fiscal year.

(b) The maintenance level shall not include new programs or changes in the kind, quantity, or quality of service when the change is at the agency's discretion or is the result of changes in federal or state law or regulation.

(c) Within the meaning of this section, the ~~[commissioner]~~ ***governor*** shall make the final determination as to whether a particular cost shall be deemed to be a maintenance expenditure.

2 Repeal. RSA 9:3, I(b)(6), relative to explanation of differences from maintenance expenditure requirement, is repealed.

3 Health and Human Services Building. Amend 1999, 159:1.01, 04, 04, 05, 06 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
99 HHS transfer reduction	381,269-	393,951-
Strike out:		
Total	1,958,435	2,036,214
Estimated source of funds for health & human services bldg		
01 Transfers from other agencies I	1,958,435	2,036,214
Total	1,958,435	2,036,214
Insert in place thereof:		
Total	2,339,704	2,430,165
Estimated source of funds for health & human services bldg		
01 Transfers from other agencies I	2,339,704	2,430,165
Total	2,339,704	2,430,165

4 Medicaid Administration; Transfers to General Services. Amend 1999, 159:1.05, 01, 02, 04, 10 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
28 Transfers to general services D	149,552	155,360
Insert in place thereof:		
28 Transfers to general services D	530,821	549,311
Strike out:		
Total	13,175,828	14,290,419

Estimated source of funds for
Medicaid administration

00 Federal funds	8,894,873	9,695,902
General fund	4,280,955	4,594,517
Total	13,175,828	14,290,419

Insert in place thereof:

Total	13,557,097	14,684,370
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Estimated source of funds for
Medicaid administration

00 Federal funds	9,085,508	9,892,878
General fund	4,471,589	4,791,492
Total	13,557,097	14,684,370

5 Quality Assurance; Brown Building. Amend 1999, 159:1.05, 01, 04,
01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
90 Brown Building Op Exp	133,031	139,683
Strike Out:		
Total	791,897	776,727

Estimated source of funds for
Quality assurance

00 Federal funds	398,504	390,585
General fund	393,393	386,142
Total	791,897	776,727

Insert in place thereof:

Total	658,866	637,044
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Estimated source of funds for
Quality assurance

00 Federal funds	335,021	323,563
General fund	323,845	313,481
Total	658,866	637,044

6 Office of Director; Building Rent. Amend 1999, 159:1.05, 01, 06, 01,
01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike Out:		
91 Building rent	165,000	173,250
Insert in place thereof:		
91 Building rent	54,339	64,486
Strike out:		
Total	2,731,028	2,014,057

Estimated source of funds for
office of director

00 Federal funds	394,966	384,435
General fund	2,336,062	1,629,622
Total	2,731,028	2,014,057

Insert in place thereof:

Total	2,620,367	1,905,293
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Estimated source of funds for
office of director

00 Federal funds	380,580	370,296
General fund	2,239,787	1,534,997
Total	2,620,367	1,905,293

7 Food Protection; Rent. Amend 1999, 159:1.05, 01, 10, 04, 03 as fol-
lows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
99 Rent	31,389	31,389
Insert in place thereof:		
99 Rent	4,904	0
Strike out:		
Total	786,726	770,240
Estimated source of funds for		
Food protection		
09 Agency income I	41,945	41,945
General fund	744,781	728,295
Total	786,726	770,240
Insert in place thereof:		
Total	760,241	738,851
Estimated source of funds for		
Food protection		
09 Agency income I	40,271	40,245
General fund	719,970	698,606
Total	760,241	738,851

8 Purpose. Section 9 of this act adds a new program appropriation unit, "NF Settlement," to the operating budget for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway. Section 9 of this act shall not constitute legislative approval under RSA 14:35-b.

9 NF Settlement. Amend 1999, 159:1 by inserting the following new PAU:

05 Health and Social Services

01 Dept of Health and Human Services

06 Div Elderly & Adult Services

04 Medical Services

05 NF Settlement

90 Client Payments F	1	1
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Total	1	1
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Estimated Source of Funds for

NF Settlement

General Fund	1	1
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Total	1	1
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10 Capital Projects; 1993 Totals Adjusted. Amend 1993, 359:1, total state appropriation as amended by 1993, 360:7; 1994, 204:3; 1994, 382:8; and 1995, 309:25 to read as follows:

Total state appropriation section 1 ~~[\$41,906,731]~~ **\$53,112,158**

11 Capital Projects; 1993 Bond Total Adjusted. Amend 1993, 359:9 as amended by 1993, 360:10; 1994, 204:4; 1994, 382:8, 1995, 309:26, and 1995, 310:190 to read as follows:

359:9 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of ~~[\$69,974,158]~~ **\$75,974,158**, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

12 Office of Emergency Management; Reallocation of Existing Appropriation Authority.

I. From the following disaster accounts within the office of emergency management, the following amounts shall lapse to the general fund:

010-088-2790-090 Local Assistance – October/November 1995 severe rain and wind storms	\$ 4,556.00
010-088-2799-090 Public Assistance – October/November 1996 severe rain and wind storms and flooding	\$119,412.75
010-088-2800-092 Individual Assistance – January 1998 ice storm	\$ 1.00
II.(a) The following sums are hereby appropriated to the following accounts within the office of emergency management.	
010-088-2800-090 Local Assistance – January 1998 ice storm	\$ 91,785.00
010-088-2801-490 Local Assistance – June 1998 flooding	\$ 24,567.75
010-088-2801-491 State Agencies – June 1998 flooding	\$ 7,617.00

(b) The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Education Trust Fund; Transfer of Tax Revenues for Fiscal Year 2001. In lieu of the transfers required by RSA 77-A:20-a and 77-E:14, for fiscal year 2001, the state treasurer shall make quarterly transfers of \$13,125,000, based on estimates made by the commissioner of revenue administration, from the general fund into the education trust fund established in RSA 198:39. These transfers shall occur on the following dates: July 1, 2000, October 1, 2000, January 1, 2001, and April 1, 2001.

14 Committee Established. There is established a committee to study funding for division of fire standards and training firefighter and emergency medical services training.

15 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

16 Duties. The committee shall develop a proposal for a dedicated funding source for firefighter and emergency medical services training within the division of fire standards and training, department of safety. Funding sources to be considered shall include but shall not be limited to a reallocation or increase in the fee paid pursuant to RSA 260:15 for copies of motor vehicle records.

17 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

18 Report; Consideration of Proposed Legislation.

I. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2000.

II. Legislation proposed to be introduced pursuant to the report of the study committee shall be in anticipation of early consideration and fast-track passage in the 2001 legislative session.

19 Positions Established; Appropriations; Authority of Commissioner of the Department of Revenue Clarified. Amend 1999, 17:53, IV as amended by 1999, 303:12 to read as follows:

IV. The sum of \$2,700,000 for the biennium ending June 30, 2001, is hereby appropriated to the department of revenue administration to fund the costs necessary to implement *the provisions of this act, the provisions of RSA 198:50 through 198:55, and the provisions of 1999, 338:23*. The commissioner is authorized to establish positions necessary to implement this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

20 Appropriation; Authority to Establish Positions Inserted. Amend 1999, 338:16 to read as follows:

338:16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA ~~[198:50-55]~~ *198:50 through 198:55. The commissioner of the department of revenue administration is authorized to establish positions necessary to implement the provisions of this section.*

21 Classified Positions in Department of Health and Human Services.

I. Notwithstanding the provisions of 1995, 310:60, any classified employee of the department of health and human services whose position was changed from one salary group to a lower paying salary group shall continue to receive the salary and scheduled raises of the higher paying group so long as such employee is employed in such position.

II. Employees to whom paragraph I applies are hereby entitled to the 5 percent raise for classified state employees effective June 5, 1998, the 3 percent raise for classified state employees effective October 1, 1999, and all subsequent raises negotiated for classified state employees.

III. Funding for salaries and raises under paragraphs I and II shall be from appropriations made to the department of health and human services in the 2000-2001 operating budget for positions which are not filled.

22 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1504, an act relative to submission of biennial budget estimates by agencies.

*Conferees on the Part
of the Senate*

Sen. Klemm, Dist. 22

Sen. Below, Dist. 5

Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Kurk, Hills. 5

Rep. Clegg, Hills. 23

Rep. Thulander, Hills. 6

Rep. Knowles, Straf. 11

2000-4754-CofC

AMENDED ANALYSIS

This bill:

I. Changes the definition of maintenance expenditure relating to the submission of budget estimates by agencies.

II. Adjusts certain building usage and rent class lines in PAU's of the department of administrative services and the department of health and human services.

III. Adds a new program appropriation unit to the operating budget "NF Settlement" for the payment of claims arising from the 1999 U.S. District Court settlement of Defosses v. Shumway.

IV. Corrects the total state appropriation and bond totals in the amended version of the 1993 capital budget (1993, 359).

V. Lapses sums in certain office of emergency management accounts to the general fund and makes appropriations to certain office of emergency management accounts.

VI. Establishes the amount of business profits tax and business enterprise tax revenues to be transferred quarterly to the education trust fund for fiscal year 2001.

VII. Establishes a committee to study funding for division of fire standards and training firefighter and emergency medical services training.

VIII. Clarifies the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program.

IX. Clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Senator Klemm moved adoption.

Adopted.

May 24, 2000

2000-4653-CofC

10/09

Committee of Conference Report on HB 1510-FN, an act relative to establishing a medical savings account plan for providing state employee health care benefits.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1510-FN, an act relative to establishing a medical savings account plan for providing state employee health care benefits.

*Conferees on the Part
of the Senate*

Sen. F. King, Dist. 1

Sen. Below, Dist. 5

Sen. McCarley, Dist. 6

*Conferees on the Part
of the House*

Rep. Goulet, Hills. 15

Rep. Millham, Belk. 4

Rep. Stickney, Rock. 26

Rep. Murphy, Hills. 42

Senator F. King moved adoption.

Adopted.

May 25, 2000

2000-4701-CofC

03/10

Committee of Conference Report on HB 1552-FN-A, an act establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 5 of the bill by inserting after paragraph III the following new paragraph:

IV. The public utilities commission shall not allow any certified telecommunications provider assessed under this act to recover said assessment from ratepayers. No future rate case may incorporate this cost for purposes of determining the allowed rate of return.

The signatures below attest to the authenticity of this Report on HB 1552-FN-A, an act establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. D'Allesandro, Dist. 20

Sen. Below, Dist. 5

Sen. F. King, Dist. 1

*Conferees on the Part
of the House*

Rep. Major, Rock. 16

Rep. Bradley, Carr. 8

Rep. Thomas, Belk. 3

Rep. Kaen, Straf. 7

Senator D'Allesandro moved adoption.

Adopted.

May 24, 2000

2000-4654-CofC

09/01

Committee of Conference Report on HB 1563-FN-LOCAL, an act establishing the Wolfeboro Airport Authority.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1563-FN-LOCAL, an act establishing the Wolfeboro Airport Authority.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2

Sen. Roberge, Dist. 9

Sen. Trombly, Dist. 7

*Conferees on the Part
of the House*

Rep. Hess, Merr. 11

Rep. Patten, Carr. 9

Rep. Bradley, Carr. 8

Rep. Simon, Hills. 40

Senator Gordon moved adoption.

Adopted.

May 25, 2000

2000-4711-CofC

03/01

Committee of Conference Report on HB 1569-FN, an act requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. Such testing for surface water supplies shall be done as close to labor day as possible.

Amend paragraph V of section 2 of the bill replacing it with the following:

V. The commissioner of environmental services shall report findings and conclusions to the MTBE study committee established under 1999, 55. The report shall include the results of testing, a list of which public water systems conducted or did not conduct such tests, any information regarding private wells which the department may have, and any recommendations for future mandatory testing of public water supplies, including reimbursement to water systems operated by municipalities.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. Such testing shall either be provided by the Environmental Protection Agency or funded, upon receipt, by grant money designated to pay for the analyses.

Amend the bill by replacing section 4 with the following:

4 Repeal. Sections 1-3 of this act, relative to gasoline containing MTBE, are repealed.

The signatures below attest to the authenticity of this Report on HB 1569-FN, an act requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl/tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21

Sen. Below, Dist. 5

Sen. Cohen, Dist. 24

*Conferees on the Part
of the House*

Rep. Maxfield, Merr. 9

Rep. Norelli, Rock. 31

Rep. MacGillivray, Hills. 21

Rep. Almy, Graf. 14

Senator Wheeler moved adoption.

Adopted.

May 25, 2000

2000-4686-CofC

09/04

Committee of Conference Report on HB 1570-FN, an act requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

The signatures below attest to the authenticity of this Report on HB 1570-FN, an act requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

*Conferees on the Part
of the Senate*

Sen. Brown, Dist. 17
Sen. Cohen, Dist. 24
Sen. Trombly, Dist. 7

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22
Rep. Tholl, Coos 5
Rep. Knowles, Straf. 11
Rep. O'Keefe, Rock. 21

Senator Brown moved adoption.

Adopted.

May 24, 2000

2000-4659-CofC

03/10

Committee of Conference Report on HB 1571-FN, an act relative to claims arising from clinical services provided to the department of corrections.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1571-FN, an act relative to claims arising from clinical services provided to the department of corrections.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12
Sen. Wheeler, Dist. 21
Sen. Krueger, Dist. 16

*Conferees on the Part
of the House*

Rep. Mock, Carr. 3
Rep. Rowe, Hills. 14
Rep. Dokmo, Hills. 14
Rep. Mitchell, Ches. 3

Senator Squires moved adoption.

Adopted.

May 25, 2000

2000-4689-CofC

09/10

Committee of Conference Report on HB 1573-FN, an act relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1573-FN, an act relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

*Conferees on the Part
of the Senate*

Sen. F. King, Dist. 1
 Sen. Larsen, Dist. 15
 Sen. Gordon, Dist. 2

*Conferees on the Part
of the House*

Rep. Holbrook, Belk. 7
 Rep. V. Clark, Rock. 17
 Rep. R. Johnson, Rock. 1
 Rep. Dwyer, Hills. 43

Senator F. King moved adoption.

SENATOR GORDON: I just wanted to say that this does include a very important amendment. When this legislation passed, it required that all emergency medical technicians be licensed and it undid the legislation that we passed last year, which enabled anyone, even if they were not licensed, to use automatic external defibrillators. You may have read the article last week in the *Union Leader* that said 200 people were saved this last year on airlines that had the defibrillators in place on the airlines themselves. So this amendment is very important to the Heart Association who is having their annual meeting this Saturday in Durham. I am pleased that the amendment was included and I would certainly support the Committee of Conference Report.

Adopted.

May 25, 2000

2000-4709-CofC

08/10

Committee of Conference Report on HB 1579-FN, an act establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 126-K:8, IV as inserted by section 3 of the bill by replacing it with the following:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, subjobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commission shall revoke any license for the business or business entity or any principal thereof for a period of one year from the date of revocation.

Amend RSA 78:12-d, VII as inserted by section 4 of the bill by replacing it with the following:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the commissioner shall revoke any license.

The signatures below attest to the authenticity of this Report on HB 1579-FN, an act establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
Sen. Klemm, Dist. 22
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. Francoeur, Rock. 22
Rep. Kurk, Hills. 5
Rep. Taylor, Straf. 11

Senator Fraser moved adoption.

SENATOR WHEELER: When I saw the bill this morning, the Committee of Conference Report, there has been a fairly significant drafting error and I want to point it out to everyone so that we have it on the record. If you look at the Committee of Conference Report, the first page, the references to RSA 126-K and that is the Youth Access to Tobacco Law. On lines 23-24, we have a mandatory revocation of the license for any violation beyond the fourth. It expands that definition and says, "for the business or business entity or any principal thereof for a period of one year from the date of revocation." We feel that that one year date is important, because otherwise, it would be just until your license was eligible again, and that could be just a month. The next part of the RSA 78:12 is the Department of Revenue Administration's authority to issue licenses. If you turn the page over, you will see that the last line of the report just says, "for any violation beyond the fourth, the commissioner shall revoke any license" without giving the conditions for revocation. I had originally thought to ask for another Committee of Conference to correct this, but it was pointed out to me that with the House rules, and perhaps ours too, I don't know, it would be a 2/3 for everything, it would be pretty complex. So my suggestion is to go ahead and adopt this Committee of Conference Report, with the clear understanding that as the effective date of this is not until January 1, 2001 that we could fast track a correction to take place in January of next year. So I ask your support for that recommendation. Thank you.

Adopted.

May 25, 2000

2000-4721-CofC

01/09

Committee of Conference Report on HB 1589, an act prohibiting the use of genetic testing for certain insurance policies.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Report. The committee shall submit a report together with its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

7 Policy of State; Privacy of Certain Information.

I. It is the policy of this state to protect the privacy of consumers of financial services institutions and their affiliates, including banks, insurance companies, and securities underwriters and brokerages, without unduly inhibiting the free flow of commerce or legitimate law enforcement activities. The state supports the adoption and implementation of fair information practices for the collection, maintenance, use, and disclosure of personal information by financial services institutions and their affiliates. The state urges all record keepers to adopt and implement reasonable, fair information practices suitable for the types of records that they maintain.

II. It is also the policy of this state that individually identifiable health information, including medical and pharmaceutical data, in the possession of financial services institutions should not be provided to any other person for any purposes other than those that the individual to whom the information relates would reasonably expect.

III. The legislature may determine the methods of implementing these policies.

8 Committee Established. There is established a committee to conduct a study on the need for standards to protect financial services information privacy.

9 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house; and

(b) Three members of the senate, appointed by the president of the senate.

II. Staff assistance for the committee shall be provided by the banking and insurance departments.

III. The committee shall solicit information and participation from representatives of affected groups, organizations, and agencies.

IV. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

10 Duties.

I. The committee shall study the need for standards to protect the privacy of customer information in the financial services industry. The financial services industry includes, but is not limited to, banks, insurance companies, credit bureaus, credit grantors, stock brokers, mutual

fund companies, and any other institution engaging in activities that are financial in nature, or incidental to such financial activities, as described in the Financial Services Modernization Act of 1999.

II. The study shall consider existing proposals that set standards for the protection of privacy of customer information, including, but not limited to:

(a) The Health Information Privacy Model Act established by the National Association of Insurance Commissioners; and

(b) Recommendations developed by the United States Department of Health and Human Services on Privacy of Medical Information.

11 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

12 Report. The committee shall make an interim report on its findings together with any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000 and shall make a final report on or before November 1, 2001.

13 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1589, an act prohibiting the use of genetic testing for certain insurance policies.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21
Sen. McCarley, Dist. 6
Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
Rep. Francoeur, Rock. 22
Rep. Kurk, Hills. 5
Rep. Crosby, Merr. 20

2000-4721CofC

AMENDED ANALYSIS

This bill clarifies the issue of informed consent for genetic testing. This bill establishes a committee to study the use of genetic and other health information testing and access to the results of such tests with respect to certain insurance policies.

This bill also establishes a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

Senator Wheeler moved adoption.

Adopted.

May 26, 2000

2000-4741-CofC

08/09

Committee of Conference Report on HB 1611, an act recodifying the state's DWI laws.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Retail Installment Sales; Retail Selling; Disclosure, Exceptions; Telephone Number; Limitation. Amend RSA 361-B:2-a, I(c) to read as follows:

(c) ***In the case of a telephone solicitation, an address or*** a telephone number for customer inquiries and complaints.

2 Retail Installment Sales; Retail Selling; Disclosure, Exceptions; Telephone Number; Limitation. Amend RSA 361-B:2-a, I(c) to read as follows:

(c) [~~In the case of a telephone solicitation, an address or~~] a telephone number for customer inquiries and complaints.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1611, an act recodifying the state's DWI laws.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Pignatelli, Dist. 13
Sen. Squires, Dist. 12

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22
Rep. Welch, Rock. 18
Rep. Avery, Ches. 8
Rep. Hunt, Ches 10

2000-4741-CofC

AMENDED ANALYSIS

This bill, between its passage and July 1, 2001, limits to telephone solicitation, the telephone number for customer inquiries and complaints disclosure that certain home solicitation sellers must provide, and permits disclosure of an address instead of a telephone number. As of July 1, 2001, the law in regard to retail selling and requirements for telephone solicitation as provided in RSA 361-B:2-a reverts to the law as of January 1, 2000.

Senator Gordon moved adoption.

Adopted.

May 26, 2000

2000-4738-CofC

04/09

Committee of Conference Report on HB 1617-FN, an act relative to suspension of a driver's license for sufficient cause.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Original and Youth Operator's Licenses; Basis for Suspension. RSA 263:14, III is repealed and reenacted to read as follows:

III.(a) The director is authorized to revoke or suspend any original license issued under title XXI after a hearing upon a showing by its records or other sufficient evidence that the driver has committed an offense dur-

ing the first year following the issuance of an original license or has committed 2 or more offenses during the first 2 years following the issuance of an original license for which the original license holder has been convicted.

(b) The periods of suspension or revocation set forth in subparagraph III (a) of this section shall be as follows:

(1) For a first offense during the first year following the issuance of an original license, 20 days.

(2) For a second offense during the first 2 years following the issuance of an original license, 45 days.

(3) For a third or subsequent offense during the first 2 years following the issuance of an original license, 90 days.

(c) A suspension or revocation imposed under this section shall not run concurrently with any other penalty imposed under the provisions of title XXI.

(d) The director, after hearing, may suspend or revoke an original license or any license held by a person under 20 years of age for good cause upon receipt of proper evidence or information of misconduct, misuse, or abuse of such driving privileges.

(e) Notwithstanding RSA 605:6 or any provision of law to the contrary, any conviction for an offense which is used as a basis for suspension or revocation of an original license under this section and which involves a plea of nolo contendere shall be treated in the same manner as a conviction which involves a guilty plea.

2 Committee Established. There is established a study committee for the purpose of defining the meaning of "misconduct, misuse, or abuse of such driving privileges" as those terms are set forth in RSA 263:14, III(d), as inserted by section 1 of this act.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall define the meaning of "misconduct, misuse, or abuse of such driving privileges" as those terms are set forth in RSA 263:14, III(d), as inserted by section 1 of this act. The committee may solicit advice or input from individuals with relevant expertise in such matters to assist them in their task.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2000.

7 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1617-FN, an act relative to suspension of a driver's license for sufficient cause.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
 Sen. Trombly, Dist. 7
 Sen. Russman, Dist. 19

*Conferees on the Part
of the House*

Rep. Packard, Rock. 29
 Rep. Bartlett, Belk. 6
 Rep. Letourneau, Rock. 13
 Rep. Turgeon, Hills. 47

2000-4738-CofC

AMENDED ANALYSIS

This bill expands the court's application of sufficient cause to suspend a driver's license. The bill also establishes a study committee for the purpose of defining the meaning of the "misconduct, misuse, or abuse of such driving privileges" as those terms are set forth in RSA 263:14, III(d).

Senator Gordon moved adoption.

Adopted.

May 25, 2000

2000-4698-CofC

09/01

Committee of Conference Report on HB 1621-FN, an act allowing administrative home confinement for habitual offenders.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:
 Amend the bill by replacing all after the enacting clause with the following:

1 Habitual Offenders; Penalties; Home Confinement. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he *or she* shall be ***guilty of a felony and*** sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility *and the court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 on such terms and conditions as the court may order, for the minimum mandatory term or any portion thereof, provided the offender first serves 8 consecutive weekends or 14 consecutive days of imprisonment prior to eligibility for home confinement. Habitual offenders shall only be eligible for the home confinement sen-*

tencing option once per lifetime. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Habitual Offender; Misdemeanor Penalties. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person ***shall be guilty of a class A misdemeanor and*** may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

3 Discretionary Sentences; Release for Purpose of Gainful Employment or Rehabilitation; Home Confinement. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment [~~or~~], Rehabilitation ***or Home Confinement***. Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, ***or to serve the sentence under home confinement, provided the offender first serves 8 consecutive weekends or 14 consecutive days prior to eligibility for home confinement***, or for such other purpose as the court may deem conducive to his ***or her*** rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the free community, ***or in home confinement***, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his ***or her*** conduct, custody and employment, he ***or she*** shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his ***or her*** term.

4 Effective Date. This act shall take effect January 1, 2001.

The signatures below attest to the authenticity of this Report on HB 1621-FN, an act allowing administrative home confinement for habitual offenders.

*Conferees on the Part
of the Senate*

Sen. Pignatelli, Dist. 13

Sen. Trombly, Dist. 7

Sen. Brown, Dist. 17

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22

Rep. Welch, Rock. 18

Rep. Knowles, Straf. 11

Rep. Rodd, Merr. 3

Senator Pignatelli moved adoption.

Adopted.

May 25, 2000

2000-4679-CofC

08/01

Committee of Conference Report on HB 1622-LOCAL, an act eliminating the requirement that a deputy town clerk have his or her domicile within the town.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Town Officers; Deputy Town Clerk; Town Domicile Not Required.
Amend RSA 41:18 to read as follows:

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk, *except that the deputy town clerk need not have his or her domicile in the town*, and who shall perform all the duties of the town clerk in case of his *or her* absence by sickness, resignation, or otherwise. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen.

Amend the bill by replacing all after section 3 with the following:

4 Filling of Vacancies in the Office of Town Clerk. Amend RSA 669:65 to read as follows:

669:65 Town Clerk. Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election, *unless the deputy does not have his or her domicile in the town, in which case the vacancy shall be filled by appointment made by the selectmen*.

5 New Section; Filling of Vacancies in the Office of Town Clerk; Towns With Non-domiciled Deputy Town Clerk. Amend RSA 669 by inserting after section 65 the following new section:

669:65-a Towns With Non-domiciled Deputy Town Clerk. Notwithstanding RSA 669:65, in any town with a deputy town clerk who is not domiciled in the town, the selectmen, with consultation of the elected town clerk, if available, shall appoint a qualified town clerk within 30 days of a vacancy in the office of town clerk, or if any election is scheduled within 30 days of the vacancy, the selectmen, with consultation of the elected town clerk, if available, shall appoint a qualified town clerk at least 24 hours before the election.

6 Repeal. RSA 669:65-a, relative to filling of vacancies in the office of town clerk in towns with a non-domiciled deputy town clerk, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2002.

II. Section 4 of this act shall take effect January 1, 2002 at 12:01 a.m.

III. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1622-LOCAL, an act eliminating the requirement that a deputy town clerk have his or her domicile within the town.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7
 Sen. Disnard, Dist. 8
 Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Patten, Carr. 9
 Rep. Griffin, Rock. 27
 Rep. Simon, Hills. 40
 Rep. Lockwood, Merr. 9

2000-4679-CofC

AMENDED ANALYSIS

This bill:

I. Eliminates the requirement that a deputy town clerk have his or her domicile within the town.

II. Ratifies and legalizes all acts, votes, notices, and proceedings of any annual town meeting held prior to the effective date of this bill that are of questionable legality solely due to the town having a nonresident deputy town clerk.

III. Eliminates the prohibition on a person holding certain town offices and being full-time head of a police department other than that of the town in which he or she holds the other office.

IV. Provides that, until January 1, 2002, in any town with a non-domiciled deputy town clerk, if a vacancy appears in the office of town clerk, the selectmen, with consultation of the elected town clerk, if available, shall appoint a qualified town clerk within 30 days of the vacancy, or if an election is scheduled within 30 days of the vacancy, the selectmen, with consultation of the elected town clerk, if available, shall appoint a qualified town clerk at least 24 hours before the election.

V. Provides that, as of January 1, 2002, if a vacancy in the office of town clerk occurs in a town with a deputy town clerk who is not domiciled in the town, the vacancy shall be filled by appointment made by the selectmen.

Senator Trombly moved adoption.

Adopted.

May 24, 2000

2000-4655-CofC

01/09

Committee of Conference Report on HB 2000-FN-LOCAL, an act relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 10 the following and renumbering the original section 11 to read as 12:

11 Proposed Toll Booth. Amend RSA 237:2, VII to read as follows:

VII. Acquire land as required and make improvements to the central New Hampshire turnpike including, but not limited to, completing the connection to the Merrimack industrial interchange, relocation of Camp Sargent Road, improvements to interchanges 3 through 7 as required, the extension of the system to include an easterly circumferential beltway around Nashua extending from exit 2 and running easterly

through the city of Nashua and the towns of Hudson, Litchfield, and Merrimack to an intersection with the existing turnpike, improvements and widening between interchanges 2 and 7, widening between the Route 101 intersection and the Amoskeag interchange in Manchester, **and** coordinating a study of widening between the I-89 and I-93 interchanges[, and the establishment of a toll station southbound in the vicinity of Nashua and the Massachusetts state line].

The signatures below attest to the authenticity of this Report on HB 2000-FN-LOCAL, an act relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2
Sen. Pignatelli, Dist. 13
Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Calawa, Hills. 17
Rep. McCarty, Hills. 38
Rep. Daigle, Hills. 28
Rep. Alukonis, Hills. 23

Senator Gordon moved adoption.

SENATOR WHEELER: **TAPE CHANGE** continue to be concerned. I am also somewhat concerned that the monies for exit 10 are still in this plan, although the commissioner assured me that the no-build option is still there. So I wanted to make clear those positions because I know that they are of concern to people of Dover. Thank you.

SENATOR PIGNATELLI: I just wanted to express my thanks to the members of the Senate for realizing the importance of this issue to me and my constituents and to anyone who travels on the Everett Turnpike through Nashua. I have spoken with the Representative from the Dover area, and I have assured him that I will work toward the elimination of the toll booths in that area, as I will towards the elimination of all of the toll booths. I think that they are a safety hazard and an environmental hazard on our roads and that we should not be funding our roads through the toll booth system anymore. So again, I want to thank the Senators for their support and for their patience with me, throughout this session regarding this most important issue for the citizens of Nashua. Thank you very much.

SENATOR GORDON: Thank you. I don't want to address specifically the toll booth, but I do want to address the 10-year Highway Plan in that we are taking a very active role in funding projects all over the state. They are important to all of us. I know that particularly in the North Country, where we have lots of red listed bridges, many of them are going to be addressed in this plan to get those down to a manageable number. The 10-year Highway Plan is a good plan over all. Basically the House acceded to the Senate position and with the amendments that we adopted in the Senate. In terms of the toll booth, first I want to congratulate Senator Pignatelli for being so tenacious and doing a fine job for her constituents. But, it is not just for her constituents, it is for all of the people of the state. I just wanted to remind people of that. When this whole plan started, I was opposed to doing away with the Nashua toll booths or the proposed toll booths. But two things happened. First of all, the House decided that it was in the House's best interest, or the state's best interest, to do away with the tolls on the Cheshire bridge. They decided that even though there was an agreement with that particular community at a point in time in the past, that the tolls would continue to pay off the bonds, that they should go forward and repeal those toll booths, which we have done. The

second thing is that the commissioner indicated that we don't need the revenue from these tolls to continue to fund the bonds for the highway system in Nashua. Based upon that, I have changed my mind. I believe that it is probably in the best interest, at least at this point in time, to hold those toll booths in abeyance and support the amendment, which was put on for Nashua. The other thing that you have to realize is that there is also a study committee in the 10-year Highway Plan to look at tolls overall. That study is ongoing. It is being done by a private consultant. They will come back and make recommendations in regard to what is in the best interest of the state in the long term. I think that based upon the information that that provides, we will be able to go forward and come up with a rational plan for dealing with tolls in the future.

SENATOR FRANCOEUR: I would like to thank Senator Pignatelli for her hard work on this bill. This affects my district on both sides. I co-sponsored the bill with Senator Pignatelli and also the widening bill with some of the House members. I believe that Senator Klemm also from the Senate was on there. I think that this is a win-win situation for everybody, as Senator Gordon pointed out. It affects a lot of people and those that traveled in the Nashua area prior to the completion of part of the phases of the Everett Turnpike, the congestion there was unbelievable. I know that talking to Senator Klemm and driving from exit 3 & 4 every day, the amount of traffic when you move down from four lanes to two is really important to the districts, and everybody that does any kind of driving in that area from Manchester and south, when you go towards Boston every day, or coming home in the evening. I thank you all.

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled bills:

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission.

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

SB 326, relative to the joint health council.

SB 353, relative to sales of insurance by financial institutions.

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

SB 431, relative to certain secondary vocational education programs.

SB 436-FN, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

SB 439-FN, relative to motor vehicle offenses resulting in serious bodily injury.

SB 448, establishing a guardians ad litem board.

SB 449, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

SB 470, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

SB 135-FN, relative to water supply land protection grants.

SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

SB 132, an act requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

March 15, 2000

2000-3798-CofC

03/09

Committee of Conference Report on SB 135-FN, an act relative to water supply land protection grants.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 135-FN, an act relative to water supply land protection grants.

*Conferees on the Part
of the Senate*

Sen. Russman, Dist. 19

Sen. Johnson, Dist. 3

Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Royce, Ches. 9

Rep. Whalley, Merr. 5

Rep. Downing, Rock. 26

Rep. Stone, Rock. 7

Senator Russman moved adoption.

Adopted.

May 24, 2000

2000-4643-CofC

10/09

Committee of Conference Report on SB 226-FN, an act relative to the real estate practice act and the powers and duties of the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:10 as inserted by section 4 of the bill by replacing it with the following:

331-A:10 Qualifications For Licensure. The executive director shall issue a license to any applicant who:

I. Has attained the age of ~~[majority]~~ **18, if a salesperson applicant.**

II. Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for registration to take the examination for a broker's license, an applicant who **shows proof of completion of 60 hours of approved study and who:**

(a) Has been employed full time by an active broker for at least one year; or

(b) Has at least 2,000 part-time hours as a licensed salesperson in this state; or

(c) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (a) or (b).

III. Demonstrates no record of unprofessional conduct.

IV. Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness and integrity.

V. For ~~[an individual]~~ **a** broker ~~[license including]~~ **acting as** a principal broker or a managing broker, but excluding **associate brokers or** a corporation, partnership, **limited liability company**, or association, files a surety bond with the commission which shall be held in accordance with RSA ~~[331-A:13]~~ **331-A:14.**

The signatures below attest to the authenticity of this Report on SB 226-FN, an act relative to the real estate practice act and the powers and duties of the real estate commission.

*Conferees on the Part
of the Senate*

Sen. Cohen, Dist. 24

Sen. Larsen, Dist. 15

Sen. Francoeur, Dist. 14

*Conferees on the Part
of the House*

Rep. Goulet, Hills. 15

Rep. Stickney, Rock. 26

Rep. Millham, Belk. 4

Rep. Murphy, Hills. 42

Senator Cohen moved adoption.

Adopted.

May 26, 2000

2000-4735-CofC

01/09

Committee of Conference Report on SB 323, an act relative to ambulatory surgical facilities in service areas of rural hospitals.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Threshold; Acute Care Facilities. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,500,000~~] **\$1,759,512**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) ***Except as provided in subparagraph (2),*** the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,000,000~~] **\$1,173,000**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) The threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of such hospitals.

3 New Section; Task Force; Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Task Force Established; Membership.

I. There is established the task force on the certificate of need statute, RSA 151-C. The task force shall be composed of the following members:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) The commissioner of the department of health and human services, or designee.

(d) A representative of the New Hampshire Medical Society, appointed by such association.

(e) A representative of the New Hampshire Hospital Association, appointed by such association.

(f) A representative of the New Hampshire Ambulatory Surgery Association, appointed by such association.

(g) The executive director of the New Hampshire Health Care Association, or designee.

(h) The commissioner of insurance, or designee.

(i) The attorney general, or designee.

(j) A representative of the governor's office.

(k) A representative of the health services planning and review board, appointed by the chairperson of the board.

(l) Two consumers, appointed by the governor.

(m) An economist knowledgeable in issues of health care, appointed by the governor.

(n) A representative of the New Hampshire Nurses Association, appointed by the association.

(o) The president of the New Hampshire Residential Care Association, or designee.

(p) The chairperson of the Rural Health Coalition, or designee.

(q) The chairperson of the Community Hospital Coalition, or designee.

II. The term of office for task force members shall be coterminous with the member's term of office in his or her respective agency or organization. A chairperson shall be elected from the membership of the task force. Vacancies in task force membership shall be filled as soon as practicable by the respective agency or organization creating the vacancy. The first-named senate member shall call the first meeting within 30 days of the effective date of this section.

III. The task force members listed in subparagraphs I(c)-(q) may employ the assistance of additional members of their respective agency or organization as necessary to assist with a task or project undertaken by the task force.

IV. The task force members may elicit input or recommendations from other groups or organizations as necessary.

V. The task force shall investigate issues relating to the operation of the certificate of need statute, RSA 151-C, including, but not limited to, how the regulatory structure affects:

- (a) The cost of health care services;
- (b) The availability of and access to health care services;
- (c) Competition and collaboration among health care providers;
- (d) The provision of new health care services;
- (e) The allocation of health care resources in the state; and
- (f) The quality of health care.

VI. The task force shall cooperate and collaborate with other state or private agencies as may be necessary to address these issues, and shall consider input and recommendations from such state or private agencies on an ongoing basis.

VII. The task force shall conduct public hearings as may be necessary on matters pertaining to the certificate of need statute, RSA 151-C. Such hearings may be conducted in any part of the state as circumstances require.

VIII. Members of the task force shall serve without compensation, except that the legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IX. The task force shall submit a detailed report of its findings, actions taken, and recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before January 1, 2001 and each January 1 thereafter.

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 323, an act relative to ambulatory surgical facilities in service areas of rural hospitals.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12
Sen. McCarley, Dist. 6
Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Emerton, Hills. 7
Rep. Wendelboe, Belk. 2
Rep. Batula, Hills. 18
Rep. Donovan, Sull. 11

2000-4735-CofC

AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of certain hospitals.

This bill changes the threshold level for certain other new institutional health services.

This bill also establishes a task force to address certain issues regarding RSA 151-C.

Senator Squires moved adoption.

Adopted.

May 26, 2000

2000-4734-CofC

08/04

Committee of Conference Report on SB 326, an act relative to the joint health council.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on SB 326, an act relative to the joint health council.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12

Sen. Wheeler, Dist. 21

Sen. Krueger, Dist. 16

*Conferees on the Part
of the House*

Rep. Goulet, Hills. 15

Rep. Stickney, Rock. 26

Rep. Holley, Hills. 28

Rep. Murphy, Hills. 42

Senator Squires moved adoption.

Adopted.

May 25, 2000

2000-4704-CofC

09/10

Committee of Conference Report on SB 353, an act relative to sales of insurance by financial institutions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 11 the following and renumbering the original sections 12-13 to read as 13-14, respectively:

12 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title *or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance* and such other rules and regulations as are reasonably necessary to implement [the] *such* provisions [of this title].

The signatures below attest to the authenticity of this Report on SB 353, an act relative to sales of insurance by financial institutions.

*Conferees on the Part
of the Senate*

Sen. Fraser, Dist. 4
 Sen. McCarley, Dist. 6
 Sen. Wheeler, Dist. 21

*Conferees on the Part
of the House*

Rep. Hunt, Ches. 10
 Rep. Francoeur, Rock. 22
 Rep. Kurk, Hills. 5
 Rep. Taylor, Straf. 11

Senator Fraser moved adoption.

Adopted.

May 25, 2000

2000-4693-CofC

08/01

Committee of Conference Report on SB 403-FN-A, an act making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Agriculture, Markets, and Food; Inspection of Apiaries and Honeybee Swarms. The sum of \$6,000 is appropriated to the department of agriculture, markets, and food for the fiscal year ending June 30, 2001, and each year thereafter, for the purpose of inspection of apiaries and honeybee swarms. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

The signatures below attest to the authenticity of this Report on SB 403-FN-A, an act making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8
 Sen. Russman, Dist. 19
 Sen. Below, Dist. 5

*Conferees on the Part
of the House*

Rep. Scanlan, Graf 11
 Rep. L. Pratt, Coos 4
 Rep. Babson, Carr. 5
 Rep. Phinizy, Sull. 7

2000-4693-CofC

AMENDED ANALYSIS

This bill appropriates funds to the department of agriculture, markets, and food for the purpose of inspection of apiaries and honeybee swarms, for the fiscal year ending June 30, 2001 and each year thereafter.

Senator Disnard moved adoption.

Adopted.

May 25, 2000

2000-4688-CofC

04/09

Committee of Conference Report on SB 431, an act relative to certain secondary vocational education programs.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-E:13 as inserted by section 1 of the bill by replacing it with the following:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the workforce opportunity council formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

Amend the bill by replacing section 2 with the following:

2 Membership on Workforce Investment Board.

I. Any vacancies occurring on the Workforce Investment Board established under 29 U.S.C. sec 2832 after the effective date of this act shall be filled so as to ensure that Board shall include not less than 2 residents, each of whom shall represent a different county commission district from each county in the state, provided that no state agency official who is nominated and appointed by the governor shall be eligible to serve on the Board under the provisions of this paragraph.

II. To the extent consistent with federal law, in cases where the governor has authority to nominate or appoint members to a local workforce investment board, such nominations or appointments shall be made by the governor.

The signatures below attest to the authenticity of this Report on SB 431, an act relative to certain secondary vocational education programs.

*Conferees on the Part
of the Senate*

Sen. Larsen, Dist. 15
Sen. McCarley, Dist. 6
Sen. Gordon, Dist. 2

*Conferees on the Part
of the House*

Rep. Daniels, Hills. 13
Rep. Ward, Graf. 1
Rep. Alger, Graf. 9
Rep. Guest, Graf. 10

Senator Larsen moved adoption.

Adopted.

May 25, 2000

2000-4707-CofC

09/01

Committee of Conference Report on SB 436-FN, an act relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. *In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device which shall remain in place for a period not to exceed 5 years.*

3 New Paragraph; Impaired Driver Intervention Programs; Authorized Programs for Restoration of Privileges. Amend RSA 172-B:2-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 263:65-a.

4 New Subparagraph; Authorized Impaired Driver Intervention Programs. Amend RSA 263:65-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Operated by the department of corrections and approved pursuant to RSA 172-B:2-a, I-a.

5 Department of Corrections' Impaired Driver Intervention Programs. Amend RSA 263:65-a, III to read as follows:

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, *except in the case of attendance at programs operated by the department of corrections*. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

6 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 436-FN, an act relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7
Sen. Brown, Dist. 17
Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22
Rep. Welch, Rock. 18
Rep. Tholl, Coos 5
Rep. Knowles, Straf. 11

2000-4707-CofC**AMENDED ANALYSIS**

This bill provides for revocation of drivers' licenses for causing a fatality and authorizes certain impaired driver intervention programs for restoration of driving privileges.

Senator Trombly moved adoption.

Adopted.

May 25, 2000

2000-4710-CofC

08/10

Committee of Conference Report on SB 439-FN, an act relative to motor vehicle offenses resulting in serious bodily injury.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 439-FN, an act relative to motor vehicle offenses resulting in serious bodily injury.

*Conferees on the Part
of the Senate*

Sen. Gordon, Dist. 2

Sen. Trombly, Dist. 7

Sen. Pignatelli, Dist. 13

*Conferees on the Part
of the House*

Rep. Christie, Rock. 22

Rep. Welch, Rock. 18

Rep. Knowles, Straf. 11

Rep. Packard, Rock. 29

Senator Gordon moved adoption.

Adopted.

May 25, 2000

2000-4671-CofC

04/10

Committee of Conference Report on SB 448, an act establishing a guardians ad litem board.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 463:35, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The terms of the executive director of the judicial council, the member representing the New Hampshire supreme court, and the member representing the child protection agency shall be for 5 years and until a successor is appointed. The terms of the members appointed under RSA 463:34, I (e) and (f) shall be for 3 years. Vacancies in board membership shall be filled in the same manner as the original appointment.

(b) All initial appointments to the board shall be made within 60 days of the effective date of this section.

Amend RSA 463:38 as inserted by section 1 of the bill by replacing it with the following:

463:38 Administrative Attachment. The board shall be administratively attached to the department of administrative services.

Amend the bill by replacing sections 3 and 4 with the following:

3 Administrative Services; Office of the Commissioner; Guardian ad Litem Board Startup. Amend 1999, 159:1 by inserting the following new PAU:

	<u>FY 2000</u>	<u>FY 2001</u>
01 General Government		
04 Dept Administrative Services		
01 Office of the Commissioner		
01 Commissioner-Administration		
91 Guardian ad litem board startup F*	10,000	10,000

* Expenditures may include, but are not limited to, equipment and part-time personnel services.

4 Administrative Services; Office of the Commissioner; Totals Adjusted. Amend 1999, 159:1.01, 04, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	172,005	181,315
Estimated source of funds for commissioner-administration		
General fund	172,005	181,315
Total	172,005	181,315
Insert in place thereof:		
Total	182,005	191,315
Estimated source of funds for commissioner-administration		
General fund	182,005	191,315
Total	182,005	191,315

The signatures below attest to the authenticity of this Report on SB 448, an act establishing a guardians ad litem board.

*Conferees on the Part
of the Senate*

Sen. Pignatelli, Dist. 13
Sen. Gordon, Dist. 2
Sen. Trombly, Dist. 7

*Conferees on the Part
of the House*

Rep. Bickford, Straf. 1
Rep. Martel, Hills. 45
Rep. Moran, Hills. 15
Rep. Almy, Graf. 14

2000-4671-CofC

AMENDED ANALYSIS

This bill establishes a guardian ad litem board responsible for the training, licensing, discipline, and other activities of guardians ad litem in New Hampshire and also provides that the board shall be administratively attached to the department of administrative services. The bill also provides \$10,000 in startup costs to the board.

Senator Pignatelli moved adoption.

Adopted.

May 25, 2000

2000-4713-CofC

09/01

Committee of Conference Report on SB 449-FN, an act clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 8:

5 Legislative Budget Assistant; Audit Division. Amend 1999, 159:1.01, 02, 03, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	300,000	300,000
General fund	1,897,629	1,918,598
Total	2,197,629	2,218,598
Insert place thereof:		
Total	2,197,629	2,218,598
Estimated source of funds for Audit division		
06 Agency income	1,100,000	300,000
General fund	1,097,629	1,918,598
Total	2,197,629	2,218,598

6 Legislative Budget Assistant; Budget Division. Amend 1999, 159:1.01, 02, 03, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Insert:		
94 Tax Modeling	185,000	0
Strike out:		
Total	808,264	803,865
Estimated source of funds for Budget division		
General fund	808,264	803,865
Total	808,264	803,865
Insert in place thereof:		
Total	993,264	803,865
Estimated source of funds for Budget division		
General fund	993,264	803,865
Total	993,264	803,865

7 Department of Revenue Administration; Administration. Amend 1999, 159:1.01, 07, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY2001</u>
Insert:		
90 Tax modeling F	15,000	0
Strike out:		
Total	1,313,889	1,311,748
Estimated source of funds for Administration		
General fund	1,313,889	1,311,748
Total	1,313,889	1,311,748
Insert in place thereof:		
Total	1,328,889	1,311,748

Estimated source of funds for

Administration

General fund	1,328,889	1,311,748
Total	1,328,889	1,311,748

The signatures below attest to the authenticity of this Report on SB 449-FN, an act clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12

Sen. Below, Dist. 5

Sen. Larsen, Dist. 15

*Conferees on the Part
of the House*

Rep. Kurk, Hills. 5

Rep. Clegg, Hills. 23

Rep. Thulander, Hills. 6

Rep. Knowles, Straf. 11

2000-4713-CofC

AMENDED ANALYSIS

This bill clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The bill increases appropriations to the house and senate for consultants' fees and provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

The bill also appropriates funds to the legislative budget assistant and the department of revenue administration for tax modeling.

Senator Squires moved adoption.

Adopted.**May 25, 2000****2000-4700-CofC****03/10**

Committee of Conference Report on SB 470, an act relative to the administrative authority of the board of trustees for the regional community-technical colleges.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 470, an act relative to the administrative authority of the board of trustees for the regional community-technical colleges.

*Conferees on the Part
of the Senate*

Sen. McCarley, Dist. 6

Sen. D'Allesandro, Dist. 20

Sen. Johnson, Dist. 3

*Conferees on the Part
of the House*

Rep. O'Hearn, Hills. 26

Rep. Henderson, Rock. 20

Rep. Larrabee, Merr. 9

Rep. J. White, Hills. 46

Senator McCarley moved adoption.

Adopted.

May 24, 2000

2000-4642-CofC

10/09

Committee of Conference Report on SB 471, an act relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear power plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Ratification of the March 14, 2000 Salisbury Annual Town Meeting. All acts, votes, notices, and proceedings related to the "Modifying Elderly Exemption" article of the Salisbury annual town meeting held on March 14, 2000, and the related public hearing, and notice thereof, held on February 28, 2000, are hereby legalized, ratified, and confirmed.

The signatures below attest to the authenticity of this Report on SB 471, an act relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear power plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

*Conferees on the Part
of the Senate*

Sen. Trombly, Dist. 7

Sen. Cohen, Dist. 24

Sen. Fraser, Dist. 4

*Conferees on the Part
of the House*

Rep. Patten, Carr. 9

Rep. Griffin, Rock. 27

Rep. Leone, Sull. 2

Rep. Simon, Hills. 40

2000-4642-CofC

AMENDED ANALYSIS

This bill:

I. Authorizes the town of Seabrook to establish a nonlapsing special reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant.

II. Ratifies the acts, votes, notices, and proceedings of an article of the Newfields school district meeting held March 6, 2000, the Milan annual town meeting held March 12, 2000, and an article of the Salisbury annual town meeting held March 14, 2000.

III. Makes a change to the Hampton Beach village district charter relative to a village district property tax exemption.

Senator Trombly moved adoption.

Adopted.

Recess.

Out of Recess.

May 26, 2000

2000-4751-CofC

08/09

Committee of Conference Report on SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 362-A:4-d as inserted by section 1 of the bill by replacing it with the following:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain up to 20 percent of the savings resulting from such renegotiation, subject to order of the commission.

Amend RSA 369-B:1-4 as inserted by section 2 of the bill by replacing them with the following:

369-B:1 Declaration of Purpose and Findings. The general court finds that:

I. The restructuring of electric utilities to allow retail electric competition and less costly regulation is in the public interest. New Hampshire is implementing such restructuring to create retail customer choice, which will provide retail electric service at lower costs.

II. The divestiture of electric generation by New Hampshire electric utilities will facilitate the competitive market in generation service. Further, the proceeds of generation divestitures may decrease rates for the customers of transmission and distribution utilities.

III. The establishment of structured financing options for electric utilities will facilitate reductions in transmission and distribution rates for all customer classes, thereby advancing the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or financial obligation of the state or other adverse impacts upon the state's finances or credit rating.

IV. The state agrees that its pledge, contract, and agreement and the pledge of the commission not to impair the rights or remedies of holders of rate reduction bonds creates a secure expectation of repayment on the part of such holders.

V. Pursuant to 1999, 289:3, I, the commission has held hearings regarding the original proposed settlement to restructure the Public Service Company of New Hampshire (PSNH) and has issued its April 19 order, accepting the original proposed settlement as being in the public interest and consistent with New Hampshire law, and as a final resolution of the dockets listed therein, subject to the conditions listed in the April 19 order.

VI. Pursuant to 1999, 289:3, I, the commission has held hearings with respect to the securitization proposal contained in the original proposed settlement and has found that implementation of that securitization proposal, subject to the conditions listed in the April 19 order, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VII. Implementation of that securitization proposal, subject to the conditions listed in the April 19 order, and as further modified in this chapter, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VIII. Implementation of securitization to achieve the purposes of this chapter requires enactment of further enabling legislation by the general court, and it is in the public interest to pass such further enabling legislation in the form of this chapter.

IX. Approval by the commission of a finance order for PSNH that is consistent with the April 19 order, with subsequent modifications, and subject to the conditions and requirements of this chapter, that is consistent with the conditions of RSA 369-B:3, IV(b), and that is otherwise substantially consistent with RSA 374-F:3, RSA 369-A:1 and RSA 369-B:1 is in the public interest.

X. The differences among rate classes in the amount of the stranded cost recovery charge in the April 19 order are in the public interest. When these differences are combined with the differences in the delivery service charge among rate classes, and with the differences in the likely market price of energy among rate classes, the overall total rate reduction is likely to be very close to an equal percentage for all rate classes, which is consistent with the benefits for all customers principle of RSA 374-F:3, VI. However, it is also in the public interest that any further adjustments to charges between the estimated amounts in the April 19 order and 24 months after competition day be applied equally in cents per kilowatt-hour for all rate classes to which they apply.

XI. The renegotiation of the power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility is in the public interest in order to reduce the total cost to ratepayers of these obligations, and the sharing of the benefits among ratepayers and all of the parties involved in the renegotiations is in the public interest.

XII. It is in the public interest in the event that the price of transition service during the period that transition service is provided by PSNH exceeds PSNH's actual, prudent and reasonable costs of providing such power so as to create a credit to customers that must be reconciled, that the allocation of this credit between a reduction of the stranded cost recovery charge and a reduction of the duration of stranded cost recovery be made by the commission in a manner that it finds to be in the public interest.

XIII. The commission should design low income programs in a manner that targets assistance and has high operating efficiency, so as to maximize the benefits that go to the intended beneficiaries of the low income program.

XIV. The general court requests that the supreme court and any other courts asked to rule on any matters pertaining to the subject matter of this chapter act as expeditiously as possible. Time is of the essence.

XV. The effect of the stranded cost recovery charge contained in the back-up Delivery Service Rate B tariff as filed by PSNH with its original proposed settlement is just and reasonable, and does not create a charge similar to or have the same effect as an exit fee; provided that not later than 33 months after competition day, the commission shall initiate a rate case on transmission and distribution or delivery services, and this rate case shall establish a back-up charge that is just and reasonable and based on the cost of providing such back-up services, including all applicable stranded cost recovery charges, RRB charges, system benefits charges, and taxes, and retrospectively take effect immediately after 33 months after competition day.

369-B:2 Definitions. In this chapter:

I. "April 19 order" means commission Order No. 23,443 in Docket DE 99-099 as it was issued on April 19, 2000, excluding any subsequent amendments.

II. "Commission" means the public utilities commission established in RSA 363, as it may be constituted from time to time, and any successor agency exercising functions similar in purpose to such commission.

III. "Competition day" means competition day as defined in the original proposed settlement, as adjusted by subsequent modifications.

IV. "Electric utility" means a public utility as defined in RSA 362:2 that provides retail electric service.

V. "Finance order" means an order of the commission adopted prior to or following the effective date of this chapter pursuant to 1999, 289:3, I, pursuant to this chapter, or pursuant to both 1999, 289:3, I and this chapter.

VI. "Financing entity" means any special purpose trust, limited liability company, non-profit corporation, or other entity that is authorized in accordance with the terms of a finance order to issue rate reduction bonds, acquire RRB property, or both on behalf of the electric utility, or any combination of such entities.

VII. "Initial transition service end day" means 9 months after competition day.

VIII. "Original proposed settlement" means the "Public Service Company of New Hampshire Restructuring Settlement Agreement" filed with the commission on August 2, 1999.

IX. "PSNH" means Public Service Company of New Hampshire.

X. "Rate reduction bonds" ("RRB") means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an executed indenture or other agreement of a financing entity, in accordance with this chapter, 1999, 289:3, I and II, and RSA 369-A, the proceeds of which are used, directly or indirectly, to provide, recover, finance, or refinance RRB costs, and which, directly or indirectly, are secured by, evidence ownership interests in, or are payable from, RRB property.

XI. "Retail customer" means any person or entity purchasing directly or otherwise obtaining or being supplied directly with retail electric service for end use consumption, including those served under special contracts.

XII. "Retail electric service" means the delivery of electric power through the provision of transmission and/or distribution service by an electric utility to a retail customer, regardless of such retail customer's source of electric power, and shall include any back-up, maintenance, emergency, and other delivery service provided to a retail customer by an electric utility.

XIII. "RRB charge" means those retail electric service rates that are authorized by the commission in a finance order to recover those RRB costs that are eligible to be funded with the proceeds of rate reduction bonds pursuant to this chapter and the costs of providing, recovering, financing, or refinancing such RRB costs through a plan approved by the commission in the finance order, including the costs of issuing, servicing, and retiring rate reduction bonds. The RRB charge authorized by the commission may vary by cost of service, by customer class, and between special contract customers. All RRB charges shall be assessed on a per kilowatt-hour basis, and shall be non-bypassable as provided in RSA 369-B:4, IV.

XIV. "RRB costs" means expenditures which are incurred by an electric utility or which an electric utility is obligated to incur either prior to or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include but are not limited to:

(a) Expenditures incurred in respect of generation assets, entitlements, and acquisition premiums.

(b) Expenditures incurred in respect to the buyout, buydown, restructuring or renegotiation of power purchase obligations.

(c) Expenditures incurred in respect to regulatory assets.

(d) Expenditures incurred to refinance or retire existing debt or existing equity capital of the electric utility and any costs related thereto.

(e) Amounts necessary to recover federal or state taxes actually paid by an electric utility, which tax liability recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter.

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, debt service and other reserves, costs of credit enhancement, indemnities, if any, owed to the state or the trustee for the rate reduction bonds, issuance costs and redemption premiums, if any, and all other reasonable fees, costs, and charges in respect of rate reduction bonds.

XV. "RRB property" means the irrevocable vested property right created pursuant to this chapter and one or more finance orders, including, without limitation, the right, title, and interest of an electric utility or a financing entity in and to all revenues, collections, claims, payments, money, or proceeds of or arising from the RRB charge authorized to be imposed and collected pursuant to such finance orders to recover RRB costs and the costs of paying, financing, reimbursing, or refinancing the RRB costs, including the reasonable costs of issuing, servicing, and retiring rate reduction bonds, and in and to all rights to obtain adjustments to such RRB charge pursuant to the terms of RSA 369-B:4, III and the finance order, all as determined by the commission in its approval of such finance orders. "RRB property" shall constitute a current and irrevocable vested property right, notwithstanding the fact that the value of such property right may depend upon electricity usage or the performance of certain services.

XVI. "Security interest" means a security interest as defined in RSA 382-A:1-201(37).

XVII. "Service territory" means, with respect to any electric utility, the geographic area established by the commission as the retail electric service territory of such electric utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993, together with any other geographic area in which such electric utility actually provided retail electric service on such date.

369-B:3 Authority to Issue Finance Orders to Finance RRB Costs.

I. The commission is authorized, upon the petition of an electric utility and after a hearing, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is in the public interest as set forth in RSA 369-B:1, IX. Any finance order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall, following the effective date of this chapter, be deemed to be authorized by this chapter, provided the commission has made the required finding pursuant to RSA 369-B:3, IV(b).

II. Notwithstanding any law, rule, or regulation to the contrary, except as otherwise provided in RSA 369-B:4, III with respect to RRB property, the finance orders and the RRB charge authorized to be imposed and

collected pursuant to such finance orders shall be irrevocable, and the commission shall not have authority either by rescinding, altering, or amending the finance order or otherwise, to directly or indirectly, re-value or revise for ratemaking purposes the RRB costs, or the costs of providing, recovering, financing, or refinancing the RRB costs, determine that such RRB charge is unjust or unreasonable, or in any way reduce or impair the value of RRB property either directly or indirectly by taking such RRB charge (other than any portion of such RRB charge constituting a servicing fee payable to the electric utility) into account when setting other rates for the electric utility; nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement, or termination.

III. Notwithstanding any law, rule, or regulation to the contrary, any requirement under this chapter, under 1999, 289:3, I and II, under RSA 369-A, or under a finance order that the commission take action with respect to the subject matter of a finance order shall be binding upon the commission, and the commission shall have no authority to rescind, alter, or amend that requirement.

IV. The commission shall only issue finance orders that:

(a) Authorize the issuance of an aggregate principal amount of not more than \$130,000,000 in rate reduction bonds to finance renegotiated agreements of the existing power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility; and/or

(b) Authorize the issuance of an aggregate principal amount of not more than \$670,000,000, minus \$6,000,000 for each month from October 1, 2000 to competition day, in rate reduction bonds. This authorization is in addition to any amount authorized in subparagraph (a). This issuance must be part of a settlement approved by the commission under RSA 374-F to implement electric utility restructuring within the service territory of PSNH. As part of any finance order under this subparagraph (b), the commission must find that the rate reduction bonds authorized by the finance order are consistent with the April 19 order, with any subsequent modifications. Any finance order that is issued under this subparagraph (b) shall also contain a statement of the following conditions, and a finding of the commission that the finance order is consistent with the following conditions:

(1)(A) From competition day until initial transition service end day, PSNH shall supply transition service and default service in its retail electric service territory. After initial transition service end day, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the

price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be the competitively bid price for transition service;

(D) Any difference between the price of transition service from competition day to initial transition service end day and PSNH's actual, prudent and reasonable costs of providing such power shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

(E) The commission shall retain the authority to reject any or all bids for transition service at its sole discretion if it finds such action to be in the public interest. Except as specifically provided in this section, the commission shall not accept any bid or implement any pricing strategy for transition service that creates any deferrals;

(F) The selection of a provider or providers of default service prior to 24 months after initial transition service end day may be combined with the selection of a provider or providers of transition service to the extent that the commission finds it to be in the public interest;

(2) No amount shall be securitized which was not listed as part of the \$688,000,000 proposed for securitization in the April 19 order, as reduced by any subsequent amortization;

(3) Customer savings shall be not less than the total amount of \$450,000,000, excluding savings from rate reduction financing and merger savings, including the \$367,000,000 contained in the original proposed settlement, and the \$6,200,000 resulting from the settlement of issues pertaining to New Hampshire Electric Cooperative, Inc. A commitment by PSNH to all of the following actions shall be deemed to satisfy this condition:

(A) PSNH shall credit customers with the higher return associated with accumulated deferred income taxes (ADITs) as proposed in PSNH's May 1, 2000 filing;

(B) PSNH shall credit customers with the value derived from using its own assets to provide transition service for a period of 9 months;

(C) PSNH shall extend from 30 months to 33 months the period during which the delivery service charge, exclusive of Hydro Quebec transmission support payments, is fixed at 2.8 cents per kilowatt-hour;

(D) PSNH shall absorb the first \$7,000,000 of difference of costs that results in the event that transition service costs during the 12 months following the initial transition service end day exceed the transition service price for that 12 months, as provided in RSA 369-B:3,IV(b)(1)(B)(i);

(E) PSNH shall reduce the maximum amount of necessary and prudent costs associated with the issuance of and closing on the securitization financing and any premiums associated with the retirement of debt and preferred stock from these proceeds that may be recovered from \$17,000,000 to \$15,000,000. PSNH shall include in its costs the first \$700,000 of the costs of the office of the state treasurer related to reviewing and issuing the rate reduction bonds;

(F) PSNH agrees to move the Recovery End Date (RED date) to 1 month earlier than it would otherwise be; and

(G) PSNH agrees that if competition day has not occurred by October 1, 2000, then effective October 1, 2000 PSNH shall temporarily reduce its current effective total rates (base rates plus FPPAC rates) by 5 percent across the board until either competition day or April 1, 2001, whichever occurs earlier.

(4) In the event that PSNH or its parent company is acquired or otherwise sold or merged:

(A) Such merger, acquisition, or sale shall be subject to the jurisdiction of the commission under RSA 369, RSA 374, RSA 378 or other relevant provisions of law, and the merger, acquisition, or sale shall be approved only if it is shown to be in the public interest;

(B) In recognition of the extraordinary benefits provided to PSNH from rate reduction financing, should PSNH or its parent company be acquired or otherwise sold or merged, such merger, acquisition or sale shall be subject to the jurisdiction of the commission under the standard set forth in the original proposed settlement. The commission may approve such a merger if such approval results in the receipt by PSNH customers of a just and reasonable amount of the cost savings that result from such merger, acquisition or sale.

(C) No acquisition premium paid by an acquiring company for the assets or securities of any acquired company, resulting from any such merger, acquisition or sale, may in any way increase rates at any time from what they would have been without the acquisition premium;

(5) The delivery service charge, exclusive of the Hydro Quebec Transmission support payments, shall be fixed for a period of 33 months from competition day at \$0.028 per kilowatt-hour;

(6) The total system benefits charge shall be fixed at \$0.002 per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

(7) All currently existing opportunities shall be continued for retail customers to generate or acquire electricity for their own use, other than through retail electric service, without an exit fee;

(8) To the maximum extent allowed by federal law, non-discriminatory, open access to PSNH's transmission system shall be available to customers, electricity suppliers, marketers, aggregators, and municipal electric utilities, with charges based only on rates set by federal regulations, plus the actual cost of service for any services not subject to federal price regulation plus, for retail customers, applicable stranded cost recovery charges, RRB charges, systems benefit charges, and taxes;

(9) The stranded cost recovery charge, averaged over all customers, shall not exceed \$0.0340 per kilowatt-hour. Any changes in the delivery service charge, stranded cost recovery charge, transition service charge, systems benefit charge, or any other charge between the estimated amounts in the April 19 order and 24 months after competition day shall be applied as an equal change in the cost per kilowatt-hour for all rate classes to which they apply;

(10) The commission shall not order changes in the total rates of customers taking service under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000. Special contract customers selecting option 2 of the original proposed settlement shall have the energy charges under the contract reduced by the initial transition service price;

(11) During any sale of electricity generation assets required by this settlement, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid for those assets;

(12) During any competitive bid process to determine a provider or providers of transition service, or of default service to any customer belonging to a rate class that at the time of service is eligible to receive transition service, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid to provide such service;

(13) The commission shall administer the liquidation of any electricity generation assets required to be sold by the settlement. Any sale of assets located in the state of New Hampshire that are administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall select the independent, qualified asset sale specialist who will conduct the asset sale process. PSNH shall be allowed to comment prior to the selection of any such specialist;

(14) The commission shall administer any competitive bid process for transition service or default service required by the settlement;

(15) Subject to the approval of the Federal Energy Regulatory Commission (FERC), in the event that the commission either rejects a proposed sale of Seabrook, or fails to act on such application within 180 days after North Atlantic Energy Corporation's (NAEC's) proposed sale application is filed with the commission, and the failure of the sale is through no fault of Northeast Utilities (NU) or PSNH, NHEC's return on equity shall be increased from 7 percent to 150 basis points more than the average 10-year Treasury bond yield for the preceding 6 months, but not less than 7 percent nor more than 11 percent, and then readjusted accordingly at the end of every 6 month period; and

(16) No finance order shall be final or effective until PSNH and NU have agreed to dismiss with prejudice on competition day PSNH and NU's claims and causes of action in all pending litigation associated with the implementation of RSA 374-F, including civil action No. 97-97-JD (New Hampshire) / 97-121 L (Rhode Island).

V. Any finance order that expressly states each and every one of the conditions as set forth in RSA 369-B:3, IV, and finds that the finance order is consistent with all of these conditions, shall be deemed to satisfy the conditions and requirements of RSA 369-B:3, IV. If such finance order so satisfies the conditions and requirements of RSA 369-B:3, IV and satisfies the other requirements of this chapter, then such finance order shall be deemed to be authorized by, and issued pursuant to, this chapter.

369-B:4 Establishment of RRB Charge to Recover RRB Costs.

I. A finance order shall establish and place into effect one or more RRB charges that the commission shall determine to be just and reasonable, including any provisions for subsequent adjustments thereto, that shall provide for the collection of revenues from retail customers of electric utilities sufficient to recover all RRB costs approved by the commission in the finance order, including, without limitation, the payment of principal, premium, if any, interest, credit enhancement, and all other fees, costs, and charges in respect to rate reduction bonds. Such RRB charge or RRB charges shall be set forth in a schedule or schedules filed with the commission in such form as may be determined by the commission, but the filing of such schedule shall not affect or be a condition to the validity of the RRB charge.

II. The commission shall set the RRB charge, per kilowatt-hour of electricity for delivery of retail electric service, in an amount necessary and sufficient to provide for the full recovery of principal, interest, and credit enhancement on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as all other fees, costs, and charges in respect to the rate reduction bonds, based upon the electric utility's reasonable assumptions, including sales forecasts.

III. Notwithstanding any provision of RSA 369-B:3, the commission shall approve such adjustments to the RRB charge authorized to be imposed and collected pursuant to a finance order as may be necessary to ensure timely recovery of all RRB costs that are the subject of such finance order, including, without limitation, the costs of capital associated with the provision, recovery, financing, or refinancing thereof and the costs of issuing, servicing, and retiring the rate reduction bonds contemplated by such finance order. Such RRB charge shall be adjusted periodically, but not less frequently than annually nor more frequently than monthly, in accordance with the finance order. The commission shall provide in a finance order for a procedure for the timely approval by the commission of periodic adjustments to the RRB charge that is the subject of such finance order. The commission shall approve such adjustments within 60 days of the filing of such adjustment, or within such shorter period as the finance order may designate. These adjustments shall generally serve to reconcile the actual RRB charges collected with the RRB charges expected to have been collected during the relevant prior period in a manner such that the adjusted RRB charge will be sufficient to provide for scheduled principal, interest, credit enhancement, fees and other expenses associated with rate reduction bonds payable in the period during which such adjusted RRB charge will be billed. The electric utility shall include in such filing a report to the commission showing the calculation of each such adjustment.

IV. All charges established in a finance order for an electric utility, including, without limitation, the non-bypassable RRB charge, shall be collected from each retail customer of such electric utility by such electric utility or servicer of the rate reduction bonds or other entity authorized in the finance order or otherwise approved by the commission. If a retail customer purchases or otherwise obtains retail electric service from any person other than the electric utility in whose service territory the retail customer is located, including, without limitation, any successor referred to in RSA 369-B:8, subject to commission approval, the servicer or such new electricity service provider or successor shall collect all such charges, including, without limitation, such RRB charge, from the retail customer by or on behalf of the first electric utility with revenues from such RRB charge remitted solely for the benefit and repayment of rate

reduction bonds as a condition to the provision of retail electric service to such retail customer. Each finance order shall impose commercially reasonable terms on such electricity service provider or successor responsible for billing or collecting such charges, including, without limitation, such RRB charge, that are the subject of the finance order. Any retail customer that fails to pay any RRB charge shall be subject to disconnection of service to the same extent that such customer would, under applicable law and regulations, be subject to disconnection of service for failure to pay any other charge payable to an electric utility.

V. The RRB charge shall be charged to and collected from retail customers for such period as prescribed in the finance order. To the extent that the commission, when issuing a finance order, determines that special treatment on retail customers' bills is necessary or desirable to distinguish the RRB charge from other rates and charges in order to facilitate the successful issuance and sale of rate reduction bonds, it may so provide as part of such finance order. A finance order shall specify how amounts collected from a retail customer shall be allocated between the RRB charge and other rates and charges.

VI. The commission shall establish charges for retail customers that purchase or otherwise obtain or are supplied back-up, maintenance, emergency or other delivery service provided to a retail customer by an electric utility. Such charges shall be just and reasonable, and shall not be designed in a manner that creates a charge similar to or has the same effect as an exit fee.

VII. Notwithstanding any statutory or regulatory language to the contrary, the commission shall not authorize or impose, nor shall any electric utility charge or assess, any exit fee, and nothing herein shall affect the rights as set forth in RSA 369-B:3, IV(b)(7). An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and/or retail electric service a customer might have purchased from or through an electric utility but does not purchase due to conservation efforts, use of alternative non-electric energy sources, or the consumption of electricity by such customer from generation connected directly to such customer's electrical load with no intervening facilities of a regulated utility; provided, however, that an exit fee shall not include a just and reasonable capacity or demand charge for backup service as defined in RSA 369-B:4, VI.

VIII. In the event of the municipalization of a portion of an electric utility's service territory, the commission shall, in matters over which the Federal Energy Regulatory Commission does not have jurisdiction, or has jurisdiction but chooses to grant jurisdiction to the state, determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from the electric utility and RRB costs, and shall establish an appropriate recovery mechanism for such damages. Any such damages shall be established, and shall be allocated between the RRB charge and other rates and charges, in a just and reasonable manner.

IX. Any surplus RRB charge in excess of the amounts necessary to pay principal, premium, if any, interest, credit enhancement and all other fees, costs, and charges in respect to rate reduction bonds shall be remitted to the financing entity and shall be used to benefit retail customers unless this would result in a recharacterization of the tax, accounting, and other intended characteristics of the financing, including, but not limited to, the following intended characteristics:

(a) Avoiding the recognition of debt on the electric utility's balance sheet for financial accounting and regulatory purposes;

(b) Treating the rate reduction bonds as debt of the electric utility or its affiliates for federal income tax purposes;

(c) Treating the transfer of the RRB property by the electric utility as a true sale for bankruptcy purposes; or

(d) Avoiding any adverse impact of the financing on the credit rating of the rate reduction bonds or the electric utility.

Amend RSA 369-B:5, X as inserted by section 2 of the bill by replacing it with the following:

X. Subject to the approval of the commission and the oversight of the state treasurer, or other state official designated by the state treasurer, rate reduction bonds issued and at any time outstanding may, if and to the extent permitted under the indenture or other agreement pursuant to which they are issued, be refunded by other rate reduction bonds.

XI. The state treasurer's oversight under RSA 369:5, IX and X shall not be governed by the provisions of RSA 541 or 541-A.

Amend the bill by replacing all after section 3 with the following:

4 New Subparagraph; System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII by inserting after subparagraph (f) the following new subparagraph:

(g) The portion of the system benefits charge due to programs for low-income customers per kilowatt-hour in any public utility service territory in the state shall not exceed the amount in PSNH's service territory for a period of 33 months starting on competition day for PSNH as defined in RSA 369-B:2, III.

5 Option for Municipalities Purchasing Certain Electric Facilities. Municipalities which seek to purchase PSNH hydro-electric small-scale electric facilities, as defined in RSA 374-D:1, may with the consent of the governing body, prior to October 1, 2000, petition the commission pursuant to RSA 38:9, prior to holding the vote of qualified voters provided for in RSA 38:3, RSA 38:4, or RSA 38:5, for a determination of the fair market value of the facility in the event that the municipality and PSNH are unable to agree to a price to be paid for the facility. The cost of the determination shall be at the expense of the requesting municipality. The commission should select an independent, qualified asset valuation specialist to conduct the asset valuation process. If this option is chosen, all votes required by RSA 38:3, RSA 38:4, or RSA 38:5 must be held prior to the expiration of the time limit required for the ratification vote under RSA 38:13.

6 Public Utilities Commission Action. If by June 30, 2000, PSNH has not filed with the commission an acknowledgment of acceptance of the conditions contained in RSA 369-B:3, IV(b), then the commission shall:

I. Suspend the Public Service Company of New Hampshire (PSNH) Restructuring Settlement Docket No. DE 99-099 and resume, as allowed by law, all other dockets stayed by the commission as it addressed Docket No. DE 99-099.

II. Take such action as is in the public interest regarding temporary rates as authorized by RSA 378:27.

III. Pursue appropriate litigation at the New Hampshire supreme court or other appropriate courts on issues such as whether the 1989 Rate Agreement is a contract and whether PSNH and Northeast Utilities may have breached any such contract or, by their actions, allowed any such contract to be voided.

7 Dates of Events in PSNH Rate Reduction Financing.

I. Competition day for PSNH as defined in RSA 369-B:2, III shall be not later than October 1, 2000, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.

II. The sale of PSNH fossil generation assets shall take place no later than July 1, 2001, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.

8 PSNH Allowed to Pay Dividend. Upon the temporary rate reduction of 5 percent described in RSA 369-B:3, IV(b)(3)(G), PSNH will be allowed to pay a dividend of \$50,000,000.

9 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

*Conferees on the Part
of the Senate*

Sen. F. King, Dist. 1
Sen. Below, Dist. 5
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Bradley, Carr. 8
Rep. Guay, Coos 6
Rep. Norelli, Rock. 31
Rep. MacGillivray, Hills. 21

The signatures below attest to the authenticity of this Report on SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

*Conferees on the Part
of the Senate*

Sen. D'Allesandro, Dist. 20
(non-voting alternate)
Sen. Fraser, Dist. 4
(non-voting alternate)

*Conferees on the Part
of the House*

2000-4751-CofC

AMENDED ANALYSIS

This bill establishes the terms and conditions under which the public utilities commission can issue finance orders authorizing the issuance of rate reduction bonds. The bill also describes how a secured interest in the rate reduction property can be created and perfected.

SENATOR BELOW: First of all I would like to recognize the presence of Representative Jeb Bradley, Senator Johnson's constituent. I worked together with Jeb in the House for four years, well I worked for six years on the Science Technology and Energy Committee, but four of them Representative Bradley was the chair and I was the ranking Democrat and we worked hand and hand together to build a bipartisan position on the whole restructuring issue and in many ways, this is a culmination of a lot of those efforts. I also want to recognize Senator Fred King's outstanding leadership as chairman of the Committee of Conference. He really helped bring the sides together and helped us keep our nose to the grindstone, moving us along. President Hollingworth, the other member of the Committee of Conference who really also kept us to the grindstone and really helped move us along. Also, Senator Fraser and Senator D'Allesandro who served as alternates and were there every step of the way and really helped participate in bringing this to a closure. I am going to try and keep this short. The committee worked all week long and met numerous times. We started by trying to resolve the difference between the Senate and the House versions, but we had to recognize the reality that

this is the settlement of perhaps the biggest lawsuit in the state's history, maybe except for Claremont. There was really a third party out there which was PSNH and North East Utilities. As the week progressed, we did engage in conversations with the CEO, Michael Morris of Northeast Utilities, to try and find and determine if we had something that was actually going to lead to a settlement or whether we're just doing something that was a symbolic effort. In the end, I think that we held our ground and made reasonable decisions in a way that was consistent with our principles and our bottom-line, which was from the Senate point of view, that there be total savings to customers that were consistent with and reflective of what the commission order had finalized and what was consistent with what our consultants had recommended, particularly Doctor Richard Silkman, who had advised us that there be at least another \$75 million with a value to ratepayers in addition to the \$367 million that was already agreed to be written off. What occurred was that in fact, the total of \$450 million of savings to customers, most of that in direct writeoffs by the utility, some of it in the form of reduced earnings by the company or other forms of reductions of stranded costs or savings to customers that in total, make this a deal worth doing. In a couple of other areas, we did work out the system's benefit charge differences. Senator Hollingworth really did lead the Senate effort on that and we reached a reasonable compromise, and we reduced the total allowed securitization to \$800 million and \$670 million of which would be for the current proceeding. Another \$130 million of which would be for the future, if they are able to buy down some of the wood to energy power plant deals and say, produce additional customer savings. I just want to cite a couple of things that I have handed out. There is a handout here that was prepared by the House conferees, "Why Vote Yes on SB 472 - 10 Great Reasons." You can certainly go through this, I won't repeat it all, but I want to cite from the three letters that are attached. One was from the consumer advocate. He issued the letter before this final arrangement, before the Committee of Conference Report, but he has reviewed the Committee of Conference Report and has indicated that he stands by his comments. He says, "I now believe, sincerely believe, that in conjunction with your fellow legislators, you have produced a final product that will serve the interests of everyone in the state exceptionally well, including residential customers, and moreover will in time provide for abundant economic efficiencies that can only be found in a competitive marketplace where consumers have meaningful choice." Doctor Richard Silkman sent a memo to Representative Bradley on the Committee of Conference Report, he did join us for the last 24 hours of effort on Thursday evening and during the day on Friday. His comment towards the end of his memo is, "My conclusions regarding that rate path remain unchanged - SB 472, as modified by the Conference Committee, will result in a path for retail rates that is slightly better than the best rate case outcome, inclusive of securitization. Given that it will be impossible to securitize absent a settlement agreement, I believe that the final version of SB 472 will result in retail rates that are considerably better than what could be achieved through the 'business as usual' rate case option." Finally, from Attorney Tony Buxton who is the other pair of our consultant team that was working with the Electric Utility Restructuring Oversight Committee. At the end of his letter he was addressing concerns that he had raised earlier about exit fees and such, but his conclusion is, "When the General Court votes on SB 472 this week, its members can be certain of four important results: the long, painful litigation with PSNH will end, electric rates will fall dramatically, retail electric competition will occur in the very near future and, as a result of the first three

consequences, there will be no more Seabrooks for New Hampshire. Ever. There are historic and hard-won accomplishments.” The reference to “no more Seabrooks for New Hampshire, ever” is the reference to the fact that we will no longer, customers, bear the risk of bad investments. The part of Seabrook that has been a millstone around the ratepayer’s neck, even after the bankruptcy, is the source of the vast majority of our stranded costs, much of which, a large portion of which are being written off, a portion of which we are going to have to work off, but this settlement will move us forward. An important feature that we added at the very end on Friday as we were trying to be certain that we had \$450 million in value for ratepayers, was a feature that provides that if we do not get to competition starting October 1 and then the company would go ahead and reduce rates across the board by five percent for up to six months. That gives the company and others an incentive to get on with this, because that is a cost that they will have to absorb if we don’t get there, to competition by October 1. I guess that the only comment that I would make would be is that we are confident that we did as best as we could because right up until 11:30 on Thursday evening, knowing that we had to sign off on this by 5 p.m., we were presenting what we felt was our bottom line. Michael Morris, the CEO of Northeast Utilities, sat across from the table from Representative Bradley and I and some of our technical consultants and said, “this is totally unreasonable” and we got up and walked out. We were ready to walk away and say that we don’t have a deal and the next morning, he came back, and most of what he had said was unreasonable...and he came back and accepted our position on it and that is when we came to some additional values for ratepayers with the five percent reduction, sort of an insurance policy, and with that, we felt that we had stood our ground and come to a reasonable settlement, which they indicated that they will accept and we can move forward at the PUC with the enactment of this law. Thank you.

SENATOR F. KING: Senator Below, there were a couple of...right at the end of the process there were still a couple of issues that seemed to be unresolved in some of the people’s minds, and I have a couple of questions that I want to address to you because I want the record, which will be a permanent part of this process, to be complete. Senator Below, another issue on which the Committee of Conference agreed was exit fees and the right to self-generate. With this legislation, the price of electricity will be reduced significantly, and competition will come to the electric industry. It doesn’t seem likely to me that very many customers will want to generate their own power. But for some businesses, especially the paper mills in the North Country who use steam in their production processes, the continued right to generate their own power and work together and not pay any exit fees, must be part of the deal. Senator Below, isn’t that right?

SENATOR BELOW: Yes, that is correct, Senator King. Exit fees have never been allowed in New Hampshire. Also, we have not allowed assessment of an exit fee on joint users of generated electricity, provided that the joint users do not constitute a public utility. Imposition of exit fees or de facto exit fees through punitive back-up rates would stifle competition and impede technological innovation. This legislation makes it clear that customers continue to have the rights to generate their own electricity, share that electricity, and not be subject to stranded costs payments to the utility, provided that the arrangement of the customers does not constitute a public utility under historical public utility law, or make use regulated portions of utility distribution or transmission system.

SENATOR F. KING: Follow-up to Senator Below. There was some discussion during the Committee of Conference about the use of the word "person" in section 369-B:4, IV. Both the House and Senate versions used "electric utility" rather than "person." Would you believe that when the SB 472 conferees sat in the room negotiating with the utility and its customer representatives, the conferees agreed that the use of the word "person" does not adversely affect the rights of customers to self-generate?

SENATOR BELOW: Yes, I agree, Senator King. The use of the word "person", coupled with the reference to "retail electric service" in that section, is only intended to provide a mechanism for the collection of rate reduction bonds, in the event PSNH or another electric utility no longer bills and collects for those bonds. Any customer may generate and share power, and not pay any stranded cost charges, so long as they are not using any intervening electric utility facilities, namely the regulated distribution or transmission grid. The electricity market must be allowed to flourish under competition, including the continued historic right of customers to choose to self generate electricity, without penalty.

SENATOR FERNALD: Senator Below, I was reading this hand-out, "Ten Reasons Why to Vote Yes" and on the section on the stranded costs, I got a little confused, because we have the \$450 million and the \$77 million and the \$474 all in the same two sentences, and then there was something in here about PSNH could request a rehearing and the number could change... I think that is what it said, but I want to make sure what it says...can you help me with that?

SENATOR BELOW: Okay, the Senate's position was that there should be the original...the sum value of the original write-offs, which I believe was \$367 million, but that there be additional value to ratepayers as expressed in the PUC order approving the settlement, modifying the settlement. The summary of that order indicated that the approximate value of those additional savings to customers, additional values to customers, was \$101 million; however, the order itself didn't use that number. The House took that \$101 and added it to the \$373 million and came up with \$374 million, and that is what they wrote into the bill. Subsequently, as motions for rehearings have been filed, I think that it has become apparent to most people, both our consultants and everybody that we have talked to, that the \$101 million was in error. That there is a total of \$26 million of that \$101 which consisted of two components, two \$13 million components, \$13 million of which was already going to flow to ratepayers. It was an improper allocation of what is called a phase 109 issue, which is an accounting, some deferred tax issues and such, that would flow to ratepayers anyway through the reduced T & D charge, but there was an error in thinking that it should, that it was related to generation. So \$13 million of that money wasn't really new savings. There was another \$13 million which was simply an error. Everybody pretty much agreed that the \$26 million...there was \$26 million, that hearing was almost certainly to be found...was not real savings for customers. So the real savings for customers out of the commission's order was about another \$75 million on top of the \$373 million. So if you add those two up you will get \$448. We simply rounded that to \$450 million and also because our consultant had originally recommended that there needed to be at least another \$75 million on top of that \$373 million, which also adds up to \$448 and there again, we felt that \$450 million was basically our bottomline. So it is a little confusing, but the point is we felt that there needed to be \$450 million total valued to customers. This is in

addition to savings that will come from the securitization and competition and other savings. But there needed to be \$450 million in savings that essentially the company was providing through write-offs or reduced earnings, or through additional risk sharing, and we specified that if that they do all of these things that that will add up to \$450 million and quite honestly, Senator Hollingworth, is the one who really pushed us to make sure that those savings were real and that we could feel confident that they were justified and that is what kept us pushing right up until the last minute.

SENATOR FERNALD: So the \$474 is not the number in the Committee of Conference Report? That is from a previous life?

SENATOR BELOW: That number was from the House version, not the Senate version. It was sort of in reference. They were trying to characterize what they thought the commission order said, but in conference, we felt that \$450 was really the right number.

SENATOR FERNALD: The stranded cost recovery has been set at some 3.4 cents per kilowatt hour. Is that for 12 years? I am curious about the time period, and then I am trying to remember, does it disappear at some point?

SENATOR BELOW: The stranded cost recovery charge?

SENATOR FERNALD: Yes.

SENATOR BELOW: Yes. I believe that what we have said...let me just check the bill to make sure that I am saying this correctly...Yes, on page nine of the Committee of Conference Report, line 20 and 21. The context for this is this is a series of conditions that the utility must accept and the commission must find has been satisfied in order to issue a finance order for the securitization. What that says is that the stranded costs recovery charged averaged over all customers, shall not exceed 3.4 cents per kilowatt hour. That is basically, permanently. There is a reference there that changes in the delivery service charge, stranded cost recovery charge and other charges, how they would be adjusted, but that is an absolute cap on what that charge would be on average throughout the period. Now there are mechanisms by which that might be lowered. At a point in time that will start to step down. There will be an initial step down at what is called the recovery indate, which is a point in time which, if the company has not recovered other costs, they will be subject to an additional write-off. It is called the Group III stranded costs. Those are costs that are not being securitized and they are subject to the companies at risk for additional write-offs, particularly if there is a loss of load. I am just mentioning that because that is one of the great advantages of this settlement compared to business as usual. If there is a loss of load, other customers pick it up in business as usual. Under the settlement, the companies at risk have additional write-offs instead. So unlike the last time, unlike the resolution of the bankruptcy where the customers were at risk, the company is at risk for loss of load. So at approximately 7 to 8 years there will be a step down in that stranded cost recovery charge, and when these rate reduction bonds are paid off there will be another step down, and then it continues at a very low level for basically the independent power producers where we have an obligation under federal law, and as well as for the payoff of the affixed amount for decommissioning of Seabrook.

SENATOR WHEELER: Senator Below, mine is a whole lot less technical. I really appreciate all of the work that you have done, and I am re-

ally grateful for all of the work of the conferees to understand such a complex issue, and I certainly intend to support it. My question is that I am a little concerned about the difference between theory and reality and the guaranteed rates for the first three years, and then what happens as they begin to go up if there is not competition? The open access as of October 1 doesn't mean very much if there is nobody that wants to give you access. I have heard an estimate that it might be as long as five years before we had true competition around the state. I wondered from your knowledge of this, how soon do you think that there really might be choices throughout the state for us?

SENATOR BELOW: It is going to come in two stages. It is intentionally designed that way. There is a cap on the rate path for residential and small commercial customers, those that essentially don't have demand meters. For 33 months from the implementation date, which is called "C date" which the earliest that it might be, it could be October 1. It is quite possible that that might not be until early next year. At that point, there would be nine months of transition service at a rate for the energy component for the electricity generation component of 4.4 cents for all customers for nine months. Now, if there is a competitor who can beat that price, then there will be competition. If there isn't a competitor that can't beat that price, there won't be any meaningful choice during that nine months. It is possible that some large customers will start to see some offers, perhaps around that price, but perhaps probably not small customers. At the end of nine months, there is a divergence. The residential small commercial customers continue to have a cap at 4.4 cents; however, there is actually a bid for what is called transition service for another two years; at that point, at that end of that first nine months...and whatever the bid comes in at, a competitive bid will be the transition service price provided that it is not more than 4.4 cents in the first year, and 4.6 cents in the second year; however, for the large customers, for the industrial and large commercial customers, transition service will be bid at market prices, so whatever the bid comes back in for, will be the price of transition service. That presumably, will be a price that some competitive marketers will beat for some industrial commercial customers. So I think that those customers will begin to see some meaningful choice, approximately nine months after the implementation of that, and that will develop very quickly because at the end of that year, which is one year and nine months out from C date, there is no more transition service, there will simply be what is referred to as the "default service" which is a short-term market priced rate. At that point, all of those larger customers, who I think should have the ability to manage being in the marketplace more readily than the small customers, will be in a competitive market...and I believe that there will be meaningful choice. Residential customers will follow another year beyond that, so really, every customer will get to the competitive market in 33 months. What is also happening, which is important to keep in mind is that a wholesale market, the wholesale mechanism is developing New England wide in parallel to this. There are also a great number of what are called "merchant plants", new natural gas fired power plants that are being developed now, some are under construction. Over the course of this 33 months thousands of megawatts of additional generation capacity are likely to come on line or some will come on line for sure, in the New England market. We will start to see the development of real competition and I believe, some competitively lower rates possibly than even what we are seeing here. There is the real possibility of significant additional savings. Part of that is a function of the world market for fossil fuel prices, so the

fact that fossil fuel prices go up, they would result in rising rates either with or without competition, because PSNH's resources are also linked to the cost of fossil fuels. So you may have seen some analysis that say that the generation part keeps going up. That is just an assumption that there is an inflation in fossil fuel prices, that would be true with or without this settlement, with or without moving to a competitive market. I hope that helps answer it.

SENATOR WHEELER: I am really impressed by the theory, but what I want to know is, are you aware of entities out there that have been just dying to come into New Hampshire and compete with PSNH?

SENATOR BELOW: Yes. A couple of them that are on that sheet that I gave you that are urging us to go ahead with this. They want to get in here and compete and sell lower priced electricity to customers in New Hampshire.

TAPE INAUDIBLE

SENATOR BELOW: The short answer is that for the small customer, whether they actively participate in choice or not is not critical. The important thing is that if some customers do, the benefits of the competitive market of the restructured market, of a real supply and demand function, will end up benefiting all customers, whether some customers choose to participate or not. So you don't have to participate, and you will still get benefits.

SENATOR WHEELER: Thank you.

Senator F. King moved adoption.

A roll call was requested by Senator Fraser.

Seconded by Senator Cohen.

The following Senators voted Yes: F. King, Johnson, Fraser, Below, McCarley, Trombly, Disnard, Eaton, Fernald, Squires, Francoeur, Larsen, Krueger, Brown, J. King, Russman, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

The following Senators voted No: Gordon, Roberge.

Yeas: 21 - Nays: 2

Adopted.

May 26, 2000

2000-4744-CofC

03/09

Committee of Conference Report on SB 132, an act requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

The signatures below attest to the authenticity of this Report on SB 132, an act requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing

an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

*Conferees on the Part
of the Senate*

Sen. Below, Dist. 5
Sen. Trombly, Dist. 7
Sen. Krueger, Dist. 16

*Conferees on the Part
of the House*

Rep. Royce, Ches. 9
Rep. Whalley, Merr. 5
Rep. Downing, Rock. 26
Rep. Cooney, Rock. 26

Senator Below moved adoption.

Adopted.

May 25, 2000

2000-4697-CofC

01/09

Committee of Conference Report on SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

The signatures below attest to the authenticity of this Report on SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

*Conferees on the Part
of the Senate*

Sen. Wheeler, Dist. 21
Sen. Klemm, Dist. 22
Sen. Hollingworth, Dist. 23

*Conferees on the Part
of the House*

Rep. Fields, Hills. 18
Rep. Tufts, Rock. 20
Rep. McDonough-Wallace, Hills. 41
Rep. Priestly, Rock. 26

Senator Wheeler moved adoption.

Adopted.

May 25, 2000

2000-4677-CofC

04/09

Committee of Conference Report on HB 628, an act relative to the relocation of the principal residence of a child.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 458:17, VI-a (a) as inserted by section 1 of the bill by replacing it with the following:

VI-a.(a) In cases involving one or more minor children, the final decree of divorce shall address the subject of the possible future relocation

of the principal residence of such minor children. In cases where there has been a finding of domestic violence between the parties as defined in RSA 173-B, any decision on the possible future relocation of the principal residence of the minor children shall consider the needs, safety, and best interest of the abused spouse and the minor child or children.

Amend RSA 458:17, VI-a (c) (5) as inserted by section 1 of the bill by replacing it with the following:

(5) Founded cases of child abuse or domestic violence as defined in RSA 169-C or RSA 173-B.

Amend RSA 458:17, VI-a (d) as inserted by section 1 of the bill by replacing it with the following:

(d) No agreement or final order may contain a provision prohibiting a parent from relocating. However, the court, in an agreement or final order, may require a parent seeking relocation to provide notice of relocation to the court, or to the other parent, or to both, where such relocation may significantly impede the non-relocating parent's access to the minor child or children.

Amend the bill by replacing section 7 with the following:

7 District Court and Family Division; Jurisdiction.

I. Notwithstanding any law to the contrary, the pilot program and services established in this act shall be available for the purposes of actions and proceedings pursuant to RSA 169-B and 169-D in the district courts or family division situated in the pilot locations.

II. Notwithstanding any provision of RSA 169-B to the contrary, any district court or family division located in Hillsborough county shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing in Hillsborough county, and the district courts or family division located in Coos, Grafton, Carroll, and Belknap counties shall have the authority to order placement in a pilot location for an adjudicated juvenile delinquent residing within those 4 counties, for a period to be determined by the court which shall not exceed 90 days.

III. Notwithstanding any provision of RSA 169-B or 169-D to the contrary, the district courts or family division in the pilot locations shall have the authority, prior to adjudication and disposition, to order residential placement of a juvenile in the facility to the extent necessary to provide immediate supervision and protect the safety or welfare of the juvenile or the person or property of another. The district courts or family division in the pilot locations shall comply with the provisions of RSA 169-B and RSA 169-D for the adjudication and disposition of any juvenile placed in the pilot program prior to such adjudication or disposition.

IV. The authority of the district courts or family division in the pilot locations to place a juvenile in the pilot program is subject to the criteria established by a regional youth center board for the admission of juveniles to the pilot program and the authority of the board to decline to accept or to remove any juvenile who does not meet those criteria.

The signatures below attest to the authenticity of this Report on HB 628, an act relative to the relocation of the principal residence of a child.

*Conferees on the Part
of the Senate*

Sen. Squires, Dist. 12
Sen. Gordon, Dist. 2
Sen. Klemm, Dist. 22

*Conferees on the Part
of the House*

Rep. Dowling, Rock. 13
Rep. Moran, Hills. 15
Rep. Arnold, Hills. 20
Rep. Ginsburg, Hills. 26

Senator Squires moved adoption.

SENATOR WHEELER: This is the one that establishes the program for juveniles, the residential placement for juveniles...I believe that it was an amendment that was brought to the Senate. It is quite an important policy that had no hearing or discussion in the Senate. It involves building residential facilities. It has no money in it. It has a policy of incarceration of juveniles that is less than YDC, but still, a policy of incarceration that I think needs full discussion. It is far too important to have passed this way in a Committee of Conference as an amendment to another bill, where it is not even particularly germane. I think that for people who are concerned about what to do with juveniles that need to be put somewhere out of their family situation, and less of an incarceration than YDC, I submit that building a couple of facilities, in two different parts of the state, is not going to solve the problem. You need to keep juveniles near where they live. There are swing beds in group homes that are available for them. I would far rather see us discuss it as an expansion of group homes. I would rather see it come back next year. I feel that it is really irresponsible of us to pass this now. I couldn't possibly vote for it.

SENATOR SQUIRES: I rise in support of the Committee of Conference Report. This concept began in Nashua. In Nashua, we heard testimony from the Attorney General, from the judges in the district courts, from the police officers, from the social workers, from the probation officers, from the juvenile officers, that a major problem exists, which is what do you do with a young person who is a delinquent, be it shoplifting or truancy or wandering around? The answer is, the public policy of New Hampshire is, nothing. They simply go back to where they came from. Now that policy is just plain wrong. This program is just that. It does not start anything. It says that if a community wishes to get together and construct a facility, it may then apply for funds to do so. It assumes a) that there are funds available and b) that the application is met. So for the life of me, I cannot see the harm, the danger, in allowing communities to go forth, to develop their plans, to make their proposals, to submit them and have them go through the process. This is a huge problem. It certainly is a huge problem in Nashua. I suspect that it is a huge problem throughout the state of New Hampshire. So support this. Let people go to try and make a proposal to address it. Thank you.

SENATOR F. KING: Back when I was talking about a new prison in the state, I also said that I thought that the juvenile system in the state was more broken than the adult system. I believe that is still to be true. The types of individuals that we are talking about, are individuals who are going to be incarcerated anyway. Let me tell you...I know that you are sick of hearing about the North Country, but just indulge me one more time. What happens if a runaway is picked up in Colebrook tonight? The local police, the first thing that they do is, the policeman usually gets his wife out of bed, and she sits with the kid in the police station until the sheriff can get out of bed and come and pick that individual up. The individual is brought to Manchester to be incarcerated over night. The sheriff goes home and comes back the next morning to Manchester, takes the child back to Colebrook for court. Now it seems reasonable that we have a facility somewhere north of Concord for these types of short-term holdings. That is what this bill would allow. It would allow the communities to get together to see if there is a community in this state that would be willing to have one of these facilities within its boundaries. They are the same children, receiving the same service, but we do need to have a place to put these kids. That is why I think that this bill makes

sense. It certainly has been discussed. It has been studied. The whole issue has been studied over and over again. I would be glad to make available to you, the report that was done on the whole system in the state, if you want to see that. I would encourage you to pass this bill.

Recess.

Senator Cohen in the Chair.

SENATOR HOLLINGWORTH: I want to approach this in a different manner. Senator Wheeler was right, this bill hadn't been heard in the Senate. It was too bad that it didn't get discussion, because I have a letter here from the Salem District Court. This is coming at it from a different light. Senator King mentioned that these are kids that would probably would be going to jail anyway, but this is a letter from Judge Korbey, and this is what he says, "I am writing to inform you of a situation currently existing in New Hampshire that is affecting the lives of many citizens, and causing problems to me and my colleagues, as judges. Many children who are charged as delinquents, under RSA 169-B or CHINS, (Children in need of service) under RSA 169, require out-of-home placement under certain circumstances. Let me first say that the court's juvenile service officers and other interested parties, always explore all alternatives before placing a child out of his or her home. There are, however, those occasions when placement is physically insecure, or a self secure situation is necessary to protect the safety of the child, the children's family and the community at large. I have had three such cases in the last two weeks. On each occasion, there has been information by juvenile service officers that there are no beds available in the entire state, either for a delinquent or a CHIN. There are in fact, over 30 children awaiting placement, when beds open up. The result is, that the children who are in danger to themselves and others, are returned to their homes, often to parents who are unable or unwilling to have them back, due to the fear for the safety of their family. Last week alone, I was forced to allow two juveniles to spend the night in a local police station, basically unsupervised and without proper accommodations. I had a mother crying hysterically in my courtroom recently as she feared for her daughter's safety. If she were to be returned to her home, the same mother, a short time later, received a call from the police that her daughter, who had once again run away, was in the emergency room being treated for injuries suffered when she was beaten up on the street. Had she been in a safe setting, this unfortunate event would most likely not have happened. It is only through pure luck that she is alive today. It is further my understanding, that one cottage at YDC is closed, due to lack of population, while we are forced to return juveniles charged with serious delinquency to their homes, awaiting adjudication. I shudder to think of the consequences when either one of these children, or someone else suffers serious injury or even death as a result of these children being improperly placed. I am not sure whether you are aware of the situation or not, but wanted to be sure that someone has informed you of this condition. This is not the first time this situation has existed, and I fear that it will not be the last. I assure you that my colleagues and I, endeavor to do our very best for each child who comes through the courts. We take pride in their concerns, for children and families, and they are frustrated by the inability to provide proper services. While you can be assured that we will continue to make every effort to find appropriate placement for children appearing before us, I hope that there is some action that you

can take to assist in alleviating this crisis. If I am able to be of assistance to you in addressing this problem, please feel free to call on me.” It is signed Judge Korbey. This is a situation where we can be of service to the children of this state. I hope that you will vote in support of this Committee of Conference.

SENATOR GORDON: I also rise in support of the Committee of Conference. I had breakfast this morning with a gentleman by the name of Doug Riddle. He is very much involved in Christian activities and the Kairos Tort Program. They are bringing the program to the YDC to try to expose these kids who are, in many cases, have been involved with delinquency and bring the Christian ministry to them. He was giving me some detail this morning and describing the activities, which took place in YDC, and how some of the students there had to be distinguished with orange uniforms because they might be the ones who you had to watch out for because of their behavior...the ones who expressed the most problems or the most violence...and that this was not really a good place to send kids, if you can at all avoid it. My concern...and again, I join with Senator King, knowing that you probably hear all together, too much about the North Country, is in fact that we too often, send kids from the North Country down to the YDC and that they come back with an education that we might not want them to have. And to be able to provide them, this bill would enable us to provide them with a facility, hopefully, located in the North Country, smaller in dimension, smaller in size, perhaps more caring, a better environment for them to learn, and maybe where they would get a little bit different education than what they would get at the YDC. In terms of funding, the funding in this bill will come from federal funds. I understand that there may be federal funds available. At least we could apply for them to see if they are. But it would provide, hopefully, a caring environment for those kids. It would certainly alleviate some of the problems that we have. I have talked with the Grafton County Sheriff. He has a concern. He is not supposed to keep kids in the cells at the county facility, in the same place that they keep prisoners, but sometimes they are forced to do that in circumstances where they just don't have a choice, because there is no other place to go with them and they have to transport them. Again, Judge Korbey is exactly right. What do you do with these kids? Sometimes these kids are dangerous, they are violent, what do you do? You send them back to the very environment that they came out of, where they were violent, and they have the potential of hurting themselves or others. So I think that this is the right thing to do. I regret the fact that perhaps this hasn't seen as much of light a day as some other bills, but I venture to say that there are a lot of other things that you have voted on here today that didn't see as much light of day as we would all like to have seen. That being the case, I am going to support this because I think that this is the right policy and I hope that others will as well. **TAPE CHANGE**

SENATOR WHEELER: ...the Department of Health and Human Services?

SENATOR GORDON: I don't know the answer to that...whether or not it would come under Health and Human Services or YDC.

SENATOR WHEELER: Thank you.

SENATOR J. KING: A week ago, I think I voted against this because I thought that, as my cousin from the North Country thought, it was another little YDC and we were going to have several YDC's throughout the state. I find that it isn't true. I agree with the philosophy used here. I

would have loved to have seen something like this 30 years ago when I was working in probation. I have changed my mind and I have decided that I am going to vote for the bill today.

SENATOR MCCARLEY: I rise briefly. I was not in the legislature several years ago when a very late night, last minute decision was made to take YDC, these kids that we view as being particularly troublesome, and pull them out from under Health and Human Services, where perhaps they were being treated too nicely. Separated them out in their own separate department as a part of the justice system. Now I am not making any comment on how YDC is doing now. I know how hard that they are working. I know a lot of the training and education that has been going on to improve it and get certified people, in terms of working with these kids. But that was a decision made at the end of a lot of debate, as I understand it. I would suggest that I think that this is the same situation that we are in. I too, spend time... I spend time on discipline committees. I have spent time making votes to have to send kids over to YDC and those are never easy. But I would suggest that I don't know any of the answers about how these programs are going to be run, not just the one that Senator Gordon couldn't answer, but I, as an individual Senator, particularly concerned with kids at this age, don't know any of these answers. So I simply cannot support this legislation at this time.

SENATOR F. KING: I can answer one of the questions that Senator McCarley indirectly raised. That is the issue of what happened a few years ago. The issue that night, was whether we were going to privatize the system or keep it under state control. The compromise was to have a separate commission set up. That is what happened.

SENATOR MCCARLEY: Thank you.

SENATOR LARSEN: Senator Gordon, one of the issues that came up was that if these children are in fact, in an adjudicated residence, awaiting adjudication, not to exceed 90 days, what happens to the education, and what is the educational responsibility, what district is the responsible district...how do we answer the question of what happens to the education of those students while they are in holding facilities?

SENATOR GORDON: I guess that I don't know the answers to the details of that question, Senator Larsen. I presume that whenever we have a state-court-ordered placement, that we still have a continuing responsibility to provide educational services, just as we do in other court-ordered placements.

SENATOR LARSEN: Further question on funding. I would assume that even if we are using federal funds, that we will in fact, have a legislator review of any new locations through the funding process, through the legislative funding process. Is there any anticipation that somehow there would be federal funding and that there would be no review by the legislature where the facilities are located or how they are established?

SENATOR GORDON: I am not aware of that. I know that if in fact, it is a state expenditure, it has to show up somewhere in the state budget.

SENATOR LARSEN: And if it is a federal expenditure?

SENATOR GORDON: If it is expended by the state, I believe that it still has to be passed through the state budget, in one manner or another, Senator Larsen.

SENATOR LARSEN: Are you aware of any federal funding that could come directly to a facility of this sort in the form of demonstration pilot projects?

SENATOR GORDON: I don't know the answer to that. I do know that the federal government has made funding available for projects such as this. This is the type of project that the federal government is encouraging.

SENATOR TROMBLY: Senator Squires, if a child is an adjudicated delinquent and goes to YDC, they attend school there. If they are a delinquent or a CHINs and they are in placement, or if they are home, they go to school in the district there. Where will the children in this placement go to school? Will it be a residential school at the facility, or will they go to the school district where the facility is located?

SENATOR SQUIRES: In the testimony that we had in committee, suggested the former. They are educated there.

SENATOR TROMBLY: So wherever these facilities are located, that local school district will receive the influx of these students? Is that correct?

SENATOR SQUIRES: No. The education is done in the facility. In Nashua, a child going here would not go back to Nashua Junior High, it would be done there. Ninety-days, frankly, although that is the maximum, that is a very, very long time. What's really hoped for here, is a breather, a week, ten days or something of that magnitude where you can at least sort out what the problem is and not send these kids, as you have heard, as we heard in Nashua, off to jail for the night, where they have to sit there.

SENATOR TROMBLY: I just need to clarify something. When you said "there", if a student...if it is built in Nashua, and there is a child in Concord that is, I assume, sentenced to that facility, where will that child go to school? Nashua or within that facility?

SENATOR SQUIRES: In that facility.

SENATOR HOLLINGWORTH: It was my understanding that it is only a community in which wishes to have one of these homes. So in other words, there is no community that is going to be forced to take one of these. The children would be going to the school, if the community wants them to attend that school in the community. So it is the vote of that community to have the facility there, and whether they will have the kids attending those schools. We happened to have Odyssey House in Hampton, and many of our students that are placed there at Odyssey House go to Winnacunnet High School. Now our community is willing to do that. It is a burden to our community sometimes, but we think that it is something when Odyssey was built there...there were some people who were opposed to it. They felt that these kids were going to be in the neighborhood and that they were going to have robberies and it was going to be a NIMBY (not in my backyard). But these children have to be protected. We have to have a place for them. I think that if a community is willing to step up, and clearly, it appears that some communities are willing to do that. It is for a short term. My understanding, from talking to my judge, Judge Fraser, he said that sometimes you only need 24 hours or 48 hours for a child to be in an environment where they miss their family and they understand what the deed...that they have...what has happened, and that they need to look at things. Sometimes it is all that a parent needs is time to cool off and to recognize that things weren't all that bad, and that they

can work it out. I think that those questions are again, up to the community if the community wishes to do it. The money, I understand, there is some money, some federal dollars that are available. Again, it comes back to whether the facilities, how they are designed to operate to meet those standards of receiving those federal dollars that now the attorney general has access too.

SENATOR BELOW: According to the Committee of Conference Report, this is a case where I don't think that we should let the perfect be the enemy of the good. We are talking about, if we are lucky, a couple of pilot programs that will get established. It is true that all of the details aren't flushed out, but that is part of the nature of a pilot program. The pilot program will arise from the result of collaborative local initiatives. The criteria for placement will be subject to establishment by the regional Youth Center Board. I just think that we are in desperate need of more alternatives for placement of youth who have troubles. This may give us a couple of options that we may examine in a very short time that the legislature be back in session and can begin to evaluate these, or look at how it wants to expand or limit such pilot programs. I would also say in response to some of the questions that I have heard, is in the case of Nashua, were I understand that it is a collaborative initiative between human service, child welfare workers, law enforcement, the court system and such, that the public school system expects to work with the program, and in some cases, where appropriate, the child will continue going to school on a regular basis, if that is appropriate, or they will develop a special alternative program to operate at the facility if that is what is needed. I think that we need to trust that the local interest can help, perhaps provide some innovation and needed services in this area through a couple of pilot programs. Thank you.

SENATOR MCCARLEY: Senator Below, can you tell me what the Regional Youth Center Board is or who it is?

SENATOR BELOW: I can't answer that, no.

SENATOR MCCARLEY: Okay. I didn't know if it was something already in place.

Recess.

Out of Recess.

SENATOR FRASER: Senator Gordon, to be frank with you, I didn't know much about this bill before today. It seems to me that the compelling testimony was to the effect that the system involving children is broken. That this is a sincere effort to do something to address that problem. Would you agree with me that this is not the panacea, but an effort to start the process?

SENATOR GORDON: Yes, I would agree with that. Frankly, I didn't know much about this bill before two weeks ago. You are talking about somebody that doesn't necessarily have a lot of confidence in themselves right now, having been on the losing side of a bill 21 - 2 just a few minutes ago. I guess that what I am saying is, that when I hear conversations about YDC, and what is taking place there, and the transfer of kids, at least out of the North Country to YDC for interim placement, before they can be placed out into a community, and knowing what effect that may have on the children, and what effect that may have on the communities, I look at that and say, that we need to do something, and that my evaluation of this effort, says to me, that this is something that is positive, it is some-

thing that can be done. It is something that we can have some control over it. I think that generally speaking, even though we don't know all of the details, it is a better plan than no plan.

SENATOR BELOW: I just wanted to provide an answer to Senator McCarley's question because it was a good one. She asked about what is a regional Youth Center Board? That is formally memorialized in the bill. It states the board has to be...it is for the purpose of administering each of the regional youth center pilot locations. The members of the board shall be selected by a working group of local agencies, currently meeting on a regular basis on issues or similar issues, relating to the pilot program. It goes on to specify that it includes residents, public members from the two areas involved. The commissioners of the Department of Youth Development Center and Health and Human Services, shall also be members of the board, and that also, any decision regarding the site shall be only made with input from the neighbors. In the case of the Nashua working group, that would be the board, there are representatives from everybody from the JSO supervisor of DCYF, additional representatives from HHS, to representatives from the school board, the fire department, the YMCA, so on and so forth. It is quite a group.

SENATOR TROMBLY: Senator Below, would you describe this as a pilot program?

SENATOR BELOW: Yes. A pilot location.

SENATOR TROMBLY: It is going to require construction of certain facilities that are going to house these young children, correct?

SENATOR BELOW: Yes.

SENATOR TROMBLY: Who is going to deconstruct those facilities if the pilot program doesn't work?

SENATOR BELOW: Well that would be subject to the terms of whatever funding source may be obtained for building or renovating the facilities.

SENATOR TROMBLY: Do you know if the Senate examined licensing more group homes for these purposes as opposed to the new construction for a pilot program?

SENATOR BELOW: I don't know that. I don't serve on the committee that works on this issue directly.

SENATOR TROMBLY: Do you know if this is administered by YDC or Health and Human Services?

SENATOR BELOW: I don't know the answer to that.

SENATOR TROMBLY: If it is administered by YDC, why would we let YDC administer these new programs, if they are not doing a good job with what they have got?

SENATOR BELOW: I think that they are limited in what they can do, partially by location. The administration sounds like it is substantially up to the regional Youth Center Board, which has a fair amount of power in regard to setting the criteria for admission, overseeing the operation, pursuing the funding, evaluating the programs and so forth. It does provide that the Department of Youth Development Services shall provide bed supervision for any of the facilities established into act, meaning consisting of monitoring, and supervising juveniles receiving residential services during the night time hours, as such hours are established by the Regional Youth Center Board. So there is a direct involvement by YDS.

SENATOR TROMBLY: So if there is a violent juvenile sentenced to this facility, and the way that I believe, it can be up to 90 days? Who is going to hire the psychologists and the specialists to deal with this young child for 90 days, YDC or Health and Human Services?

SENATOR BELOW: It provides that YDC shall be responsible only for expenses related to bed supervision of the juveniles in residence at the Regional Youth Center, which is the night time portion of the program. The day time supervision would have to be arranged for as part of the pilot, from other sources of funding for the day time program and services.

SENATOR TROMBLY: Is that funding part of the federal money that is included in the bill?

SENATOR BELOW: I am not sure that there is federal money included in the bill. There is the thought that there may be federal money available to help get these established...and the pilot program established. My impression is that the bill does call for the Department of Youth Development Services and the Department of Health and Human Services to submit, as part of their next biennium budget, the funds for both, what they call 'bed supervision' as well as for Health and Human Services to submit a proposal for the services and programs for the pilots.

SENATOR TROMBLY: Thank you.

SENATOR F. KING: I spoke earlier that this has been a high priority of mine and we just didn't get to it, I didn't get to it this year. There are obviously other things going on that were important to the legislature. I should tell you that I had extensive conversations with Commissioner Shumway about a facility in the North Country, probably months ago now. He is supportive of that. I think that you need to understand that the federal money is available in the state now. There are federal dollars available for the construction. Obviously, the operation of these facilities will be part of the operating budget when the decision is made to build them. That will be just like we had to build a prison, but we had to provide for operating money. The legislature is going to have a lot of input into this process. I don't want to...I am not one that thinks that YDC is doing a bad job. I think that the YDC is really stressed. The YDC is poorly located for some parts of the state, geographically. I think that is what the North Country facility would be. So as a matter of fact, I believe that the relationship now between Health and Human Services and the YDC is greatly improved since Commissioner Shumway came on board. I think that Senator King and I met a year ago and talked about that issue. We were impressed with their cooperation with each other. There was a bill passed shortly relative to probation issues, oversight issues. So I think that this is just an expansion of a system that needs to take place in the state. We are not doing anything other than allowing it to go forward, but there will be ample time, ample discussion during the budget process. I would assume that the Capital Budget Committee will be involved. There is some state money available. It was in the 1997-1998 budget to help match the federal dollars. That money is available. It is all part of a bill that we had, relative to the YDC, back in the 1997-1998 budget.

SENATOR MCCARLEY: Senator King, based on that...and that is an assurance, from my perspective in terms of how the oversight boards are going to be constructed from this...it sounds like your feeling would be that the legislature will have some involvement, perhaps in that going forward. Am I hearing you say that your sense is that both Com-

missioner Shumway and Commissioner Favreau see this as a way to go for this particular sort of population of children that we are worried about?

SENATOR F. KING: I can tell you that I have talked to Commissioner Shumway about that at length, about the North Country facility. I have not talked to Commissioner Favreau about it. Before we have a perfect system in this state, we are going to have to face up to a better relationship, I think, between the Health and Human Services portion and the YDC portion. I think that they have made a lot of improvements, but I think that back when I first thought of this a few years ago, I believed that what we need and what the legislature should think about next year is eventually having a youth system in the state like Florida has. Kids get sentenced to the system in Florida, and the system decides where they go to be treated. Also in Florida, they have all types of different facilities, from a maximum security to a minimum security, and that is what this state will ultimately have to have. What we are talking about today is just components of that system. I would suspect that when Claremont is completed and all of the other things are done away with, and we won't have to worry about deregulation...this should be our number one priority with the legislature.

SENATOR LARSEN: Senator King, was it my understanding from your earlier statement, that you envision that these facilities will be built first, then we will fund them with staffing and procedures?

SENATOR F. KING: We don't do that. We didn't build the prison then fund it. What we did was, we made the commitment to build a prison, knowing that we were going to have to fund it, the operation of it. That is the way that we do things. That is the way that this will happen. There will have to be support to operate it before you get the money to build it.

SENATOR LARSEN: Is it your understanding that there is money in the Attorney General's Office for construction and operation of facilities of this type?

SENATOR F. KING: That is my understanding.

SENATOR LARSEN: So there is theoretically, the possibility that we would in fact, see a facility established, located, begun construction, with those dollars, and then the request would be that we need to staff this facility?

SENATOR F. KING: I see that happening together. I don't think that the legislature is going to build a building until they are committed in operating. The Attorney General has no authority to spend the money. That will have to go through the legislative process. The money came through the Federal Juvenile Justice Act...as much as the Attorney General has allowed the discretionary money over there, but he certainly is not going to spend that money and build a facility and then wonder who is going to operate it. I don't believe that the legislature would allow that to take place.

SENATOR WHEELER: Senator King, listening to your answers just now, does that mean that we would be passing a policy that we like the idea of this pilot program, but before anything could take place, construction or approval, or anything else, we would have to come back in the next session to have it go through the budget process? Is that your understanding?

SENATOR F. KING: In my brief experience in Concord, I don't ever recall that millions of dollars have been spent without legislative approval.

So I think that the legislative process will play in. This will allow communities to express an interest maybe, in housing the facility. Maybe some of the local people. Obviously, the local committees are being set up to get the local support for the facility, much like happened for the Berlin prison. That can start to play out now, so that there may be a plan ready to present to the legislature in January. If you don't do that, then you are going to delay another year. I think that this is an issue that we need to deal with. It is the most serious issue that the state has. It is dealing with these kids that need to be taken care of. Our facilities are outdated. Something needs to be done. This is a start. I am sure that the legislature will ultimately have to make a final decision.

SENATOR FERNALD: Senator Gordon, I just wanted to ask a question about the North Country, or at least the northern part of the state. Are there not group homes there now, or is there a shortage? It is a regional question here.

SENATOR GORDON: My understanding is that all throughout the state, there are problems in regard to placement of children. And that the North Country has a particular problem in regard to its distance from other facilities, in particular, the YDC. That causes the North Country to incur transportation problems, overnight problems, problems that a large part of the state do not incur.

SENATOR FERNALD: I guess my question has to do with what sort of facilities we are talking about for this pilot program. Is it your understanding that we are talking about a lockup like YDC, or are we talking about something that is more like a group home for all sorts of juvenile problems?

SENATOR GORDON: Well my understanding is that you would be looking at a secure facility. I don't necessarily see it as a prison type facility, if that is what you are trying to describe. I am looking at it...or my understanding is that it would be a type of facility where there would be adequate supervision of young people who have shown that they need that type of supervision, and that they would be properly detained in the facility, and that they would be provided with the immediate services that are required.

SENATOR F. KING: Senator Fernald, just so you understand, there are no secure facilities in the northern part of the state. In my previous life, one of the things that I did at the county, I was the superintendent of the corrections department. I built a three-bed unit in the correctional facilities. We were never able...the kid that got picked up at night could at least be held for 72 hours. I was never allowed to use that facility, because it was against the law. When a police department takes a juvenile and puts them in a lockup, they have violated the state law and the federal law. They have assumed some terrific liability issues. The first 24 hours of lockup is when suicides occur. I can't imagine the police department locking up a kid in an unsupervised jail facility. The liability issue is tremendous. There are no secure facilities until you get them into the YDC or to the facility here in Concord.

SENATOR MCCARLEY: The two of you appear to be the most involved on the floor. I will plead ignorance. I missed the language in the floor amendment on May 17. Both of your names are on it, so I have a question. I think that I am finally starting to take some time getting up to speed. It would appear that a floor amendment came in which had a termination date and all sorts of information about this regional youth

center that, had I spent time with the floor amendment, I would have understood and spared us...but the Committee of Conference appears to have done away with the termination dates for the regional youth center and the termination date for the pilot project concept. Is that the essence of the Committee of Conference amendment? If I could...I am trying to put section seven of these two things together and see where we are...I don't know.

SENATOR FERNALD: I just wanted to help out where we are on the page...or how about myself? I am looking at the Senate Journal, May 11, page 455 & 456, where I think that this amendment came in.

SENATOR MCCARLEY: I have the date on it as May 17. The floor amendment that I was handed says, May 17 #4572s. I just need to have somebody explain to me, why the floor amendment on the 17th, which appears to have dates, in terms of termination for this authority or board or whatever...and what the Committee of Conference Report did to that. Genuinely, Senator Squires or Senator Gordon, whichever could help me, I would be delighted.

SENATOR SQUIRES: I need to see the bill. What you see here is simply replacing section one of the bill. However, the issue in the amendment, was to change it from Nashua to Hillsborough county and to add a fourth county in the north. Initially, there were three. We talked about that. Senator Gordon, quite properly, said...I forget...I think that we added Belknap. The original bill was Coos, Grafton and Carroll, as the bill was written. Then we added Belknap and changed the language to involve the district courts and the family divisions, should they be there. There were other issues in the bill that you now see between lines 1 & 21 that required a lot of discussion. Senator Trombly is familiar with that. One of them was an issue for me also. But suffice to say, I don't know about the expiration date. I need to see the bill in front of me to see if there is...because you don't have the whole bill here.

SENATOR MCCARLEY: I have the whole floor amendment, is what I have. It has a section seven, which would appear to have been replaced by this Committee of Conference Report, perhaps not.

SENATOR SQUIRES: That is true, yes.

SENATOR MCCARLEY: Senator Fernald is up again, so perhaps he can answer...

SENATOR FERNALD: Page 454-456 in the Senate Journal. What happened was we had that amendment, the floor amendment that you have, and it mistakenly deleted all of the rest of the bill. So later in the day, we did another floor amendment and it changed the section numbers. So what you think have been replaced, hasn't been replaced.

SENATOR MCCARLEY: That is sort of a help. Thank you very much, Senator Fernald.

SENATOR FERNALD: I just want to say one thing briefly. What I see in this is that there is jurisdiction here, under not only the delinquency statute, but also the children in need of services. The children in need of services statute says that children cannot go to lock up facilities. So **TAPE CHANGE** and there is flexibility in there and different intents. So at least people who said that this is just a kid jail...they didn't use those terms, but I mean that is what people are worried about, I see this as being something more than that. It will also be a facility that would service children in need of services.

SENATOR WHEELER: I guess that I see from this, that we have a whole lot of unanswered questions. It is a big policy. I don't understand why we would adopt the policy that we don't know where the money is going to come from, what it would cost, whether there is going to be a residential school, who is going to pay for the services, whether it is a locked facility or an unlocked facility, whether it is under DHHS or YDC...I can't imagine that it is responsible for us to vote in favor of this today.

Senator Disnard moved the question.

Adopted.

A roll call was requested by Senator Wheeler.

Seconded by Senator Fraser.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, Roberge, Eaton, Fernald, Squires, Pignatelli, Francoeur, Krueger, Brown, J. King, Russman, Klemm, Hollingworth, Cohen.

The following Senators voted No: McCarley, Trombly, Disnard, Larsen, D'Allesandro, Wheeler.

Yeas: 18 - Nays: 6

Adopted.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled bills:

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

HB 505-FN, establishing a special license plate for veterans.

HB 618-FN-A, establishing a voucher program for smoking cessation.

HB 713-FN, relative to penalties for multiple DWI offenses.

HB 1212, relative to extending the reporting date of the open adoption study committee.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

HB 1463, making technical corrections related to the mental health system and guardianship hearings.

HB 1552-FN-A, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

HB 1563-FN-LOCAL, establishing the Wolfeboro Airport Authority.

HB 1569-FN, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

HB 1570-FN, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

HB 1571-FN, relative to claims arising from clinical services provided to the department of corrections.

HB 1573-FN, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

HB 1589, prohibiting the use of genetic testing for certain insurance policies.

HB 1621-FN, allowing administrative home confinement for habitual offenders.

HB 97, relative to the right to farm.

HB 226-LOCAL, establishing municipality bond payment schedules and percentages.

HB 228, clarifying permissible political expenditures.

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

HB 417-FN-A, relative to the rehabilitation of the Walker building at the New Hampshire hospital and making an appropriation therefor.

HB 553-FN-A, establishing a commission on the status of men.

HB 648-FN, relative to a sludge testing program.

HB 690-FN-LOCAL, relative to charter schools and open enrollment districts.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

HB 1188-FN-LOCAL, relative to alternative kindergarten programs.

HB 1189-FN, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

HB 1198, establishing a procedure for the 2001 voter checklist verification.

HB 1202-LOCAL, making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes.

HB 1259-FN, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

HB 1418-FN-LOCAL, relative to mercury-containing products.

HB 1464, relative to the licensing process for new health care facility construction.

HB 1471, relative to the department of employment security's power to approve building projects.

HB 1504, relative to submission of biennial budget estimates by agencies.

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits.

HB 1611, recodifying the state's DWI laws.

HB 1617-FN, relative to suspension of a driver's license for sufficient cause.

HB 1622-LOCAL, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

HB 628, relative to the relocation of the principal residence of a child.

HB 2000-FN-LOCAL, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

HB 725, relative to rulemaking under the administrative procedures act.

2000-4788-EBA

08/01

Enrolled Bill Amendment to HB 1329

The Committee on Enrolled Bills to which was referred HB 1329

AN ACT relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1329

This enrolled bill amendment amends the title of the bill to accurately reflect the bill's contents. This enrolled bill amendment also makes a technical correction to section 4 of the bill.

Enrolled Bill Amendment to HB 1329

Amend the title of the bill by replacing it with the following:

AN ACT relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.

Amend section 4 of the bill by replacing line 2 with the following:
Telecommunications Providers. Amend RSA 374 by inserting after section 22-n the following new

Senator Trombly moved adoption.

Adopted.

2000-4762-EBA**08/09****Enrolled Bill Amendment to HB 1240**

The Committee on Enrolled Bills to which was referred HB 1240

AN ACT requiring the department of health and human services and insurers to make prompt payments.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1240**

This enrolled bill amendment makes a grammatical correction to section 5 of the bill.

Enrolled Bill Amendment to HB 1240

Amend RSA 420-J:8-a, III(b) as inserted by section 5 of the bill by replacing line 3 with the following:
action against a carrier for payment of the claim.

Senator Trombly moved adoption.

Adopted.

May 25, 2000

2000-4690-EBA**04/10****Enrolled Bill Amendment to HB 1369-FN-LOCAL**

The Committee on Enrolled Bills to which was referred HB 1369-FN-LOCAL

AN ACT clarifying authority to regulate asbestos.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1369-FN-LOCAL**

This enrolled bill amendment corrects a subparagraph reference in the bill.

Enrolled Bill Amendment to HB 1369-FN-LOCAL

Amend RSA 141-E:3, II (g) as inserted by section 1 of the bill by replacing line 2 with the following:

with the measures established under subparagraph (f)(1). The program shall include, but not be

Senator Trombly moved adoption.

Adopted.

2000-4764-EBA**04/10****Enrolled Bill Amendment to SB 128**

The Committee on Enrolled Bills to which was referred SB 128

AN ACT replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 128

This enrolled bill amendment makes corrections to the title and to certain statutory references within the bill.

Enrolled Bill Amendment to SB 128

Amend the bill by replacing the title with the following:

AN ACT replacing the housing assistance trust fund with a homeless prevention fund.

Amend RSA 204-C:83, III (d) as inserted by section 2 of the bill by replacing it with the following:

(d) Households which consist of one or more disabled person(s) as defined in 42 United States Code, Section 12102.

Amend the bill by replacing section 3 with the following:

3 New Subparagraph; Administrative Procedure Act; Exceptions; Housing Finance Authority Added. Amend RSA 541-A:21, I by inserting after subparagraph (w) the following new subparagraph:

(x) RSA 204-C:53, relative to the housing finance authority.

Senator Trombly moved adoption.

Adopted.

2000-4757-EBA

08/01

Enrolled Bill Amendment to SB 308

The Committee on Enrolled Bills to which was referred SB 308

AN ACT relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 308

This enrolled bill amendment makes a technical correction to section 2 of the bill.

Enrolled Bill Amendment to SB 308

Amend section 2 of the bill by replacing line 8 with the following:

(b) *May issue a final decree of adoption where a grandparent or grandparents*

Amend section 2 of the bill by replacing line 10 with the following:

(c) Shall issue an interlocutory decree of adoption which shall not become final

Senator Trombly moved adoption.

Adopted.

2000-4761-EBA**08/09****Enrolled Bill Amendment to SB 383**

The Committee on Enrolled Bills to which was referred SB 383

AN ACT requiring the department of health and human services and insurers to make prompt payments.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 383**

This enrolled bill amendment makes a grammatical correction to section 5 of the bill.

Enrolled Bill Amendment to SB 383

Amend RSA 420-J:8-a, III(b) as inserted by section 5 of the bill by replacing line 3 with the following:

action against a carrier for payment of the claim.

Senator Trombly moved adoption.

Adopted.

2000-4765-EBA**08/10****Enrolled Bill Amendment to SB 393**

The Committee on Enrolled Bills to which was referred SB 393

AN ACT relative to single producer licensing.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 393**

This enrolled bill amendment makes grammatical and technical corrections to the bill.

Enrolled Bill Amendment to SB 393

Amend RSA 402-J:2, VII as inserted by section 1 of the bill by replacing line 5 with the following:

that the commissioner determines should be designated a form of limited line credit insurance.

Amend RSA 402-J:3 as inserted by section 1 of the bill by replacing line 1 with the following:

402-J:3 License Required. A person shall not sell, solicit, or negotiate insurance in this state

Amend RSA 402-J:15, VI(a) as inserted by section 1 of the bill by replacing line 7 with the following:

materials, or other information in the furtherance of any regulatory or legal action brought as part of

Amend RSA 402-J:16, I as inserted by section 1 of the bill by replacing line 3 with the following:

fact that the person does not reside in this state or that the corporation is not domiciled in this state.

Amend section 8 of the bill by replacing line 1 with the following:
8 Fees; Insurance Consultants. Amend RSA 400-A:29, XIX to read as follows:

Senator Trombly moved adoption.

Adopted.

2000-4763-EBA

03/09

Enrolled Bill Amendment to SB 409-FN

The Committee on Enrolled Bills to which was referred SB 409-FN

AN ACT relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 409-FN

This enrolled bill amendment renumbers an RSA section inserted by section 1 of the bill, contingent upon the enactment of 2000, HB 1240 or SB 383 or both.

Enrolled Bill Amendment to SB 409-FN

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency. If HB 1240 or SB 383 or both HB 1240 and SB 383 of the 2000 legislative session become law, then RSA 415:18-k as inserted by section 1 of this act shall be renumbered as RSA 415:18-l.

Senator Trombly moved adoption.

Adopted.

2000-4756-EBA

03/01

Enrolled Bill Amendment to SB 413-FN

The Committee on Enrolled Bills to which was referred SB 413-FN

AN ACT relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 413-FN

This enrolled bill amendment makes 2 grammatical corrections.

Enrolled Bill Amendment to SB 413-FN

Amend RSA 7:44, I as inserted by section 1 of the bill by replacing line 2 with the following:

program participant and may immediately reapply for certification under his or her new name.

Amend RSA 7:45, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. A program participant may request that state and local agencies use the address

Senator Trombly moved adoption.

Adopted.

2000-4750-EBA

08/10

Enrolled Bill Amendment to SB 422-FN

The Committee on Enrolled Bills to which was referred SB 422-FN AN ACT relative to the housing security guarantee loan program.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 422-FN

This enrolled bill amendment makes a grammatical correction to section 1 of the bill.

Enrolled Bill Amendment to SB 422-FN

Amend section 1 of the bill by replacing line 5 with the following: loans limits the number of low income families the housing security guarantee program can assist in

Senator Trombly moved adoption.

Adopted.

2000-4760-EBA

03/10

Enrolled Bill Amendment to SB 445-FN

The Committee on Enrolled Bills to which was referred SB 445-FN AN ACT relative to methadone maintenance treatment.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 445-FN

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill and makes a technical correction to amending language.

Enrolled Bill Amendment to SB 445-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to methadone maintenance treatment and the licensing of limited retail drug distributors.

Amend section 5 of the bill by replacing line 1 with the following:

5 New Section; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318 by inserting after section 51-a the following new section:

Senator Trombly moved adoption.

Adopted.

2000-4759-EBA**08/09****Enrolled Bill Amendment to SB 446**

The Committee on Enrolled Bills to which was referred SB 466

AN ACT relative to the integration of information technology at the state, county and municipal levels.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 446**

This enrolled bill amendment makes technical corrections to RSA 9:1 as inserted by section 6 of the bill, and inserts the correct RSA text of RSA 12-H:1, II(c) as inserted by section 5 of the bill.

Enrolled Bill Amendment to SB 446

Amend RSA 12-H:1, II(c) as inserted by section 5 of the bill by replacing it with the following:

(c) The governor or designee, the commissioner of the department of education *or designee*, [and] the commissioner of the department of administrative services *or designee, the state librarian or designee, a representative from municipal government appointed by the New Hampshire Municipal Association, and a representative from county government appointed by the New Hampshire Association of Counties.*

Amend RSA 9:1 as inserted by section 6 of the bill by replacing lines 7-9 with the following:

this chapter required to be transmitted to the legislature; *the term "stakeholder" means a person and/or group which can affect or is affected by the development, design, and/or development of information technology systems.*

Senator Trombly moved adoption.

Adopted.

2000-4758-EBA**04/01****Enrolled Bill Amendment to SB 450-FN**

The Committee on Enrolled Bills to which was referred SB 450-FN

AN ACT prohibiting the importation of tobacco products that violate federal law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to SB 450-FN**

This enrolled bill amendment makes format corrections to certain references in the bill.

Enrolled Bill Amendment to SB 450-FN

Amend RSA 78:34, I as inserted by section 1 of the bill by replacing line 5 with the following:

Cigarette Labeling and Advertising Act, 15 United States Code, section 1333.

Amend RSA 78:34, IV as inserted by section 1 of the bill by replacing line 3 with the following:
imported into the United States in violation of 26 United States Code, section 5754 or any other federal law, or

Amend RSA 78:34, V as inserted by section 1 of the bill by replacing line 5 with the following:
Advertising Act, 15 United States Code, section 1335a.

Amend RSA 78:34, IX (b) as inserted by section 1 of the bill by replacing line 2 with the following:
sales enterprise in accordance with the provisions of 19 United States Code, section 1555(b) and any implementing

Senator Trombly moved adoption.

Adopted.

2000-4730-EBA

04/10

Enrolled Bill Amendment to SB 459

The Committee on Enrolled Bills to which was referred SB 459

AN ACT relative to uninsured or underinsured motorist insurance coverage.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 459

This enrolled bill amendment makes a grammatical change to the bill.

Enrolled Bill Amendment to SB 459

Amend section 1 of the bill by replacing line 6 with the following:
underinsured motorist coverage. Check with your own automobile insurance company or insurance

Senator Trombly moved adoption.

Adopted.

2000-4780-EBA

04/01

Enrolled Bill Amendment to SB 135-FN

The Committee on Enrolled Bills to which was referred SB 135-FN

AN ACT relative to water supply land protection grants.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 135-FN

This bill inserts an omitted word in section 4 of the bill.

Enrolled Bill Amendment to SB 135-FN

Amend RSA 486-A:13, II as inserted by section 4 of the bill by replacing line 3 with the following:

release from the program, votes in favor of such a release by a two-thirds vote of its legislative body;

Senator Trombly moved adoption.

Adopted.

2000-4790-EBA

08/01

Enrolled Bill Amendment to SB 153-FN-A

The Committee on Enrolled Bills to which was referred SB 153-FN-A

AN ACT requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 153-FN-A

This enrolled bill amendment:

I. Renumbers an RSA subparagraph in section 1 of the bill in order to avoid RSA numbering duplication.

II. Makes a grammatical correction to section 2 of the bill.

III. Changes a reference from the alcohol and drug abuse prevention advisory commission to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment, due to the repeal of the former in 2000, chapter 204.

IV. Adds the duty of authorizing the disbursement of moneys in the alcohol abuse prevention and treatment fund to the duties of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment, due to the elimination of the alcohol and drug abuse prevention advisory commission by 2000, chapter 204.

Enrolled Bill Amendment to SB 153-FN-A

Amend section 1 of the bill by replacing lines 3 and 4 with the following: inserting after subparagraph (aaaa) the following new subparagraph:

(bbbb) Moneys deposited in the alcohol abuse prevention and treatment fund established

Amend section 2 of the bill by replacing line 8 with the following:

II. Fifty percent of the amount by which the current year gross profits exceed fiscal

Amend RSA 176-A:1, III as inserted by section 3 of the bill by replacing it with the following:

III. Moneys shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment established pursuant to RSA 12-J:1. At least $\frac{1}{2}$ of the money disbursed from the fund shall be used primarily for alcohol education and abuse prevention activities.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 New Paragraph; Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention, and Treatment; Duties. Amend RSA 12-J:3 by inserting after paragraph IV the following new paragraph:

V. Authorize the disbursement of moneys from the alcohol abuse prevention and treatment fund, pursuant to RSA 176-A:1, III.

Senator Trombly moved adoption.

Adopted.

2000-4779-EBA

03/09

Enrolled Bill Amendment to SB 226-FN

The Committee on Enrolled Bills to which was referred SB 226-FN

AN ACT relative to the real estate practice act and the powers and duties of the real estate commission.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 226-FN

This enrolled bill amendment inserts a gender neutral correction and makes a technical correction to a statutory provision inserted by 2000, 37.

Enrolled Bill Amendment to SB 226-FN

Amend RSA 331-A:4, VII as inserted by section 2 of the bill by replacing line 4 with the following:

manufactured housing without a license of a broker or ~~salesman~~ **salesperson; or**

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 23:

22 Contingent Renumbering of Provision of 2000, 37. If SB 415-FN-LOCAL of the 2000 session becomes law, then upon the effective date of this act the provisions of RSA 100-A:53-a, I-a as inserted by 2000, 37 (HB 1114) shall be renumbered as RSA 100-A:52-a, I-a in light of the repeal of RSA 100-A:53-a and reenactment of its provisions as RSA 100-A:52-a by SB 415-FN-LOCAL.

Senator Trombly moved adoption.

Adopted.

2000-4769-EBA

03/01

Enrolled Bill Amendment to SB 431

The Committee on Enrolled Bills to which was referred SB 431

AN ACT relative to certain secondary vocational education programs.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 431

This enrolled bill amendment inserts an omitted word.

Enrolled Bill Amendment to SB 431

Amend paragraph I of section 2 of the bill by replacing line 2 with the following:

sec. 2832 after the effective date of this act shall be filled so as to ensure that the Board shall include not

Senator Trombly moved adoption.

Adopted.

2000-4782-EBA

04/10

Enrolled Bill Amendment to SB 436-FN

The Committee on Enrolled Bills to which was referred SB 436-FN

AN ACT relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 436-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to SB 436-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Senator Trombly moved adoption.

Adopted.

2000-4792-EBA

08/09

Enrolled Bill Amendment to SB 439-FN

The Committee on Enrolled Bills to which was referred SB 439-FN

AN ACT relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 439-FN

This enrolled bill amendment makes grammatical corrections to sections 1 and 8 and a technical correction to section 7 of the bill.

Enrolled Bill Amendment to SB 439-FN

Amend RSA 265:79-a as inserted by section 1 of the bill by replacing line 2 with the following:

injury as defined in RSA 625:11, VI to another while using a vessel or propelled vehicle as defined in

Amend RSA 260:14, V(b)(1) as inserted by section 7 of the bill by replacing it with the following:

(b)(1) A person may elect at any time not to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1), (2), (3), (4), (5), (6) and (7). A person who so elects shall inform the department in writing, and the department shall not thereafter make the personal information available, nor shall the department make available a list of the persons who have so elected. Any elections previously made under this section shall continue in effect.

Amend RSA 260:14, V(c)(2) as inserted by section 8 of the bill by replacing line 2 with the following:
affirmative agreement of the person to whom the personal information pertains a written

Senator Trombly moved adoption.

Adopted.

2000-4783-EBA

08/10

Enrolled Bill Amendment to SB 449-FN

The Committee on Enrolled Bills to which was referred SB 449-FN

AN ACT clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 449-FN

This enrolled bill amendment amends the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to SB 449-FN

Amend the title of the bill by replacing it with the following:

AN ACT clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001; and appropriating funds to the legislative budget assistant and the department of revenue administration for tax modeling.

Senator Trombly moved adoption.

Adopted.

2000-4773-EBA

08/01

Enrolled Bill Amendment to SB 471

The Committee on Enrolled Bills to which was referred SB 471

AN ACT relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 471

This enrolled bill amendment amends the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to SB 471

Amend the title of the bill by replacing it with the following:

AN ACT relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields, Salisbury and Milan; and relative to amending the Hampton Beach village district charter.

Senator Trombly moved adoption.

Adopted.

2000-4785-EBA

08/10

Enrolled Bill Amendment to SB 472

The Committee on Enrolled Bills to which was referred SB 472

AN ACT relative to final authorization of electric rate reduction financing and commission action.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 472

This enrolled bill amendment makes technical and grammatical corrections to section 2 of the bill.

Enrolled Bill Amendment to SB 472

Amend RSA 369-B:3, IV(b)(15) as inserted by section 2 of the bill by replacing line 5 with the following:

Utilities (NU) or PSNH, NAEC's return on equity shall be increased from 7 percent to 150 basis

Amend RSA 369-B:3, IV(b)(16) as inserted by section 2 of the bill by replacing line 2 with the following:

dismiss with prejudice on competition day PSNH's and NU's claims and causes of action in all pending

Amend RSA 369-B:5, XI as inserted by section 2 of the bill by replacing line 1 with the following:

XI. The state treasurer's oversight under RSA 369-B:5, IX and X shall not be governed by the

Senator Trombly moved adoption.

Adopted.

2000-4789-EBA**08/01****Enrolled Bill Amendment to HB 505-FN**

The Committee on Enrolled Bills to which was referred HB 505-FN

AN ACT establishing a special license plate for veterans and allowing certain veterans to be issued special number plates without charge.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 505-FN**

This enrolled bill amendment amends the title of the bill to accurately reflect the bill's contents. This enrolled bill amendment also makes a grammatical correction to section 1 of the bill.

Enrolled Bill Amendment to HB 505-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a special license plate for veterans.

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing line 8 with the following:

that shall be in addition to the regular motor vehicle registration fee and any other number plate

Senator Trombly moved adoption.

Adopted.

2000-4772-EBA**08/01****Enrolled Bill Amendment to HB 628**

The Committee on Enrolled Bills to which was referred HB 628

AN ACT relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 628**

This enrolled bill amendment makes a grammatical correction to section 5 of the bill.

Enrolled Bill Amendment to HB 628

Amend section 5 of the bill by replacing line 6 with the following: reason, including but not limited to illness, to attend or participate in daytime programming. The state

Senator Trombly moved adoption.

Adopted.

2000-4791-EBA**08/09****Enrolled Bill Amendment to HB 713-FN**

The Committee on Enrolled Bills to which was referred HB 713-FN
AN ACT relative to ignition interlock systems for certain DWI offenders.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 713-FN**

This enrolled bill amendment amends the title of the bill to more accurately reflect the bill's contents. This enrolled bill amendment also makes a technical change to section 4 of the bill to avoid a conflict with SB 436-FN of the 2000 legislative session, if that bill becomes law.

Enrolled Bill Amendment to HB 713-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.

Amend the bill by replacing section 4 with the following:

4 Negligent Homicide. RSA 630:3, III is repealed and reenacted to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.

Senator Trombly moved adoption.

Adopted.

2000-4786-EBA**04/01****Enrolled Bill Amendment to HB 725**

The Committee on Enrolled Bills to which was referred HB 725

AN ACT relative to rulemaking under the administrative procedures act.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 725**

This enrolled bill amendment deletes a unnecessary paragraph number in section 8 of the bill.

Enrolled Bill Amendment to HB 725

Amend section 8 of the bill by replacing line 3 with the following:
Each agency shall conform to a drafting and procedure manual for rules, developed by the

Amend paragraph I of section 26 of the bill by replacing it with the following:

I. Section 8 of this act shall take effect upon its passage.

Senator Trombly moved adoption.

Adopted.

2000-4778-EBA

04/01

Enrolled Bill Amendment to HB 1189-FN

The Committee on Enrolled Bills to which was referred HB 1189-FN
AN ACT relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1189-FN**

This enrolled bill amendment corrects the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to HB 1189-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.

Senator Trombly moved adoption.

Adopted.

2000-4781-EBA

04/01

Enrolled Bill Amendment to HB 1259-FN

The Committee on Enrolled Bills to which was referred HB 1259-FN
AN ACT establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1259-FN**

This bill makes technical corrections to RSA 9-A:1, III as inserted by section 5 of the bill and makes a grammatical correction to section 6 of the bill.

Enrolled Bill Amendment to HB 1259-FN

Amend the bill by replacing section 5 with the following:

5 State Development Plan. Amend RSA 9-A:1, III to read as follows:

III. The comprehensive development plan shall include:

- (a) An analysis of the state's economic condition and needs;
- (b) State policies to provide for the orderly economic development of the state; ~~and~~
- (c) A statement of specific goals and objectives for state economic development programs[-]; ~~and~~
- (d) Policies to protect and preserve farmland and open space land and to maximize smart growth.*

Amend RSA 9-B:1, I as inserted by section 6 of the bill by replacing line 2 with the following:
space land is one of the state's most valuable assets, and is necessary for the economy and health

Senator Trombly moved adoption.

Adopted.

2000-4775-EBA

03/10

Enrolled Bill Amendment to HB 1414

The Committee on Enrolled Bills to which was referred HB 1414

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1414

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill.

Enrolled Bill Amendment to HB 1414

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.

Senator Trombly moved adoption.

Adopted.

2000-4766-EBA

04/10

Enrolled Bill Amendment to HB 1463

The Committee on Enrolled Bills to which was referred HB 1463

AN ACT making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1463

This enrolled bill amendment corrects certain statutory references in the bill.

Enrolled Bill Amendment to HB 1463

Amend RSA 135-C:19-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. Notwithstanding RSA 329:26 and RSA 330-A:32, a community mental health program or

Amend section 9 of the bill by replacing lines 2 and 3 with the following:

officer" or "juvenile service officer" with "juvenile probation and parole officer": RSA 169-B:2, VIII(c); 169-B:9, I; 169-B:9-a; 169-B:10, II; 169-B:19, I(j); 169-B:25; 169-B:30;

Senator Trombly moved adoption.

Adopted.

2000-4793-EBA

08/09

Enrolled Bill Amendment to HB 1504

The Committee on Enrolled Bills to which was referred HB 1504

AN ACT making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1504

This enrolled bill amendment amends the title of the bill to accurately reflect its contents.

Enrolled Bill Amendment to HB 1504

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Senator Trombly moved adoption.

Adopted.

2000-4787-EBA

03/09

Enrolled Bill Amendment to HB 1510-FN

The Committee on Enrolled Bills to which was referred HB 1510-FN

AN ACT relative to the licensure of geologists.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1510-FN

This enrolled bill amendment makes grammatical corrections in RSA 310-A:119, RSA 310-A:120, I, and RSA 310-A:123, as inserted by section 3 of the bill.

Enrolled Bill Amendment to HB 1510-FN

Amend RSA 310-A:119 as inserted by section 3 of the bill by replacing line 1 with the following:

310-A:119 Purpose. In order to safeguard life, health, property, and the environment and to promote

Amend RSA 310-A:120, I as inserted by section 3 of the bill by replacing line 3 with the following:

shall be professional geologists and one of whom shall be a public member. The public member of the board shall be a

Amend RSA 310-A:123 as inserted by section 3 of the bill by replacing line 3 with the following:

state treasurer. The board may employ such investigators, clerical assistants, and other assistants as are

Senator Trombly moved adoption.

Adopted.

2000-4768-EBA

03/09

Enrolled Bill Amendment to HB 1589

The Committee on Enrolled Bills to which was referred HB 1589

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1589

This enrolled bill amendment amends the title of the bill to reflect the content of the bill.

Enrolled Bill Amendment to HB 1589

Amend the title of the bill by replacing it with the following:

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

Senator Trombly moved adoption.

Adopted.

2000-4771-EBA

03/09

Enrolled Bill Amendment to HB 1611

The Committee on Enrolled Bills to which was referred HB 1611

AN ACT relative to liquor liability insurance coverage and retail selling.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1611

This enrolled bill amendment amends the title of the bill to reflect the content of the bill.

Enrolled Bill Amendment to HB 1611

Amend the title of the bill by replacing it with the following:

AN ACT relative to retail selling.

Senator Trombly moved adoption.

Adopted.

2000-4784-EBA

08/10

Enrolled Bill Amendment to HB 1617-FN

The Committee on Enrolled Bills to which was referred HB 1617-FN

AN ACT relative to suspension of a driver's license for sufficient cause.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1617-FN

This enrolled bill amendment amends the title of the bill to accurately reflect the bill's contents.

Enrolled Bill Amendment to HB 1617-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."

Senator Trombly moved adoption.

Adopted.

2000-4777-EBA

04/10

Enrolled Bill Amendment to HB 1579-FN

The Committee on Enrolled Bills to which was referred HB 1579-FN

AN ACT establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1579-FN**

This enrolled bill amendment makes a technical correction and changes certain references to subsequent offenses from "fifth" to "fourth" to maintain consistency in the statutory sections.

Enrolled Bill Amendment to HB 1579-FN

Amend section 1 of the bill by replacing line 1 with the following:

1 Penalties. RSA 126-K:4, II is repealed and reenacted to read as follows:
Amend RSA 126-K:4, II as inserted by section 1 of the bill by replacing line 11 with the following:

violation beyond the fourth, the commission shall revoke any license.

Amend RSA 126-K:5, III as inserted by section 2 of the bill by replacing line 9 with the following:
any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the

Senator Trombly moved adoption.

Adopted.

2000-4767-EBA

04/09

Enrolled Bill Amendment to HB 1552-FN-A

The Committee on Enrolled Bills to which was referred HB 1552-FN-A

AN ACT establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE**Explanation to Enrolled Bill Amendment to HB 1552-FN-A**

This enrolled bill amendment makes technical changes to the paragraph numbering of RSA 12-A:45 as inserted by section 3 of the bill and makes a grammatical correction in section 5 of the bill.

Enrolled Bill Amendment to HB 1552-FN-A

Amend section 3 of the bill by replacing line 5 with the following:

I.(a) The director of economic development, under the supervision of the commissioner of

Amend section 3 of the bill by replacing line 10 with the following:

(b) As primary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 18 with the following:

(c) As secondary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 20 with the following: throughout all parts of the state.

Amend paragraph III as inserted by section 5 of the bill by replacing line 5 with the following:

be paid to the state treasurer for deposit into the general fund for the purposes of this act.

Senator Trombly moved adoption.

Adopted.

2000-4770-EBA

03/10

Enrolled Bill Amendment to HB 1573-FN

The Committee on Enrolled Bills to which was referred HB 1573-FN

AN ACT relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1573-FN

This enrolled bill amendment corrects a reference in section 3 of the bill to the statutory provisions relating to automatic external defibrillators. This enrolled bill amendment also corrects the codification of the statutory provisions relating to automatic external defibrillators which were inserted as sections in RSA 151-B by 1999, 311 after the effective date of the repeal of RSA 151-B by 1999, 345.

Enrolled Bill Amendment to HB 1573-FN

Amend RSA 152-A:11, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. *Except for automatic external defibrillation pursuant to RSA 153-A:28-31*, a person

Amend section 4 of the bill by replacing it with the following:

4 New Subdivision; Automatic External Defibrillation; Corrected Codification of Provisions. Amend RSA 153-A by inserting after section 27 the following new subdivision:

AUTOMATIC EXTERNAL DEFIBRILLATION

153-A:28 Intent.

I. The use of automatic external defibrillators addresses an important public health problem in New Hampshire. It is the intent of the legislature to encourage the use and availability of automatic external defibrillators, along with training in the use of automatic external defibrillators, for the purpose of saving the lives of people in cardiac arrest.

II. Further, the legislature strongly encourages dissemination of educational information regarding automatic external defibrillators and encourages that access to these lifesaving devices be made widely available to businesses, schools, fire and police departments, and other public and private organizations throughout the state.

153-A:29 Definitions. For purposes of this subdivision, "automatic external defibrillator" means a medical device which combines a heart monitor and defibrillator and:

I. Has been approved by the United States Food and Drug Administration;

II. Is capable of recognizing the presence or absence of ventricular fibrillation;

III. Is capable of determining whether defibrillation should be performed; and

IV. Automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determination that defibrillation should be performed.

153-A:30 Every person, association, corporation or other organization that acquires an automatic external defibrillator shall require every individual expected to use the automatic external defibrillator to receive training in cardiopulmonary resuscitation and automatic external defibrillator use.

153-A:31 Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of an automatic external defibrillator shall not be liable for civil damages for any acts or omissions unless the acts or omissions were grossly negligent or willful and wanton. Any person, association, corporation or other organization that acquires and maintains an automatic external defibrillator for emergency care shall not be liable for civil damages other than for gross negligence or willful and wanton acts or omissions. This section shall not limit civil liability protection provided by any other law.

5 Repeal. RSA 151-B:25-28, relative to automatic external defibrillation, are repealed.

6 Effective Date. This act shall take effect upon its passage.

Senator Trombly moved adoption.

Adopted.

2000-4795-EBA

08/09

Enrolled Bill Amendment to SB 353

The Committee on Enrolled Bills to which was referred SB 353

AN ACT relative to sales of insurance by financial institutions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 353

This enrolled bill amendment makes a grammatical correction to section 4 of the bill.

Enrolled Bill Amendment to SB 353

Amend RSA 406-C:2, IV as inserted by section 4 of the bill by replacing line 9 with the following:

deemed to be the activities of the financial institution. The term does not include an insurance

Senator Trombly moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 97, relative to the right to farm.

HB 226, establishing municipality bond payment schedules and percentages.

HB 228, clarifying permissible political expenditures.

HB 297, relative to the state commission for human rights and claims before it.

HB 413, relative to the renovation of regional vocational education centers and making an appropriation therefor.

HB 417, authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation for the cost of the Walker building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design.

HB 505, establishing a special license plate for veterans.

HB 618, establishing a voucher program for smoking cessation.

HB 628, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

HB 648, relative to a sludge testing program.

HB 690, establishing a committee to study charter schools and open enrollment school districts.

HB 713, relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.

HB 725, relative to rulemaking under the administrative procedures act.

HB 1188, relative to alternative kindergarten programs.

HB 1189, relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.

HB 1198, establishing a procedure for the 2001 voter checklist verification.

HB 1259, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.

HB 1329, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.

HB 1414, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.

HB 1418, relative to mercury-containing products.

HB 1463, making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of the juvenile services officers.

HB 1471, relative to the department of employment security's power to approve building projects.

HB 1504, making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services positions are entitled to certain salaries and raises.

HB 1510, relative to the licensure of geologists.

HB 1552, establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

HB 1569, requiring the department of environmental services to develop a voluntary MTBE testing program of state water supplies and to study the amount of MTBE in gasoline in the state.

HB 1570, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

HB 1571, relative to claims arising from clinical services provided to the department of corrections.

HB 1573, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.

HB 1579, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

HB 1589, relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

HB 1611, relative to retail selling.

HB 1617, relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."

HB 1621, allowing administrative home confinement for habitual offenders.

HB 1622, making the requirement that a deputy town clerk have his or her domicile within the town optional, ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk, and relative to the simultaneous holding of certain town offices.

HB 2000, relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the state-wide toll booth system.

SB 135, relative to water supply land protection grants.

SB 153, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

SB 226, relative to the real estate practice act and the powers and duties of the real estate commission.

SB 323, relative to ambulatory surgical facilities in service areas of rural hospitals.

SB 353, relative to sales of insurance by financial institutions.

SB 431, relative to certain secondary vocational education programs.

SB 436, relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

SB 439, relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information.

SB 448, establishing a guardian ad litem board.

SB 449, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to legislative branch for consultants; making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001; and appropriating funds to the legislative budget assistant and the department of revenue administration for tax modeling.

SB 470, relative to the duties of the commission on the status of community-technical education.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 1202, making technical corrections to 1999, 17 as amended, relative to filing and mailing procedures in the administration and appeal of state and local taxes, and relative to disclosure of information for purposes of the tax modeling system.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 472, relative to final authorization of electric rate reduction financing and commission action.

Senator Trombly moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 471, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields, Salisbury and Milan; and relative to amending the Hampton Beach Village district charter.

SB 372, relative to certain engineering businesses.

SB 383, requiring the department of health and human services and insurers to make prompt payments.

SB 393, relative to single producer licensing.

SB 422, relative to the housing security guarantee loan program.

SB 446, relative to the integration of information technology at the state, county and municipal levels.

SB 450, prohibiting the importation of tobacco products that violate federal law.

SB 459, relative to uninsured or underinsured motorist insurance coverage.

Senator D'Allesandro moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 97, relative to charitable trusts which are institutional funds.

SB 136, allowing certain state employees to take paid leave to participate in disaster relief service work.

SB 302, relative to certain employment requirements for liquor licenses.

SB 324, relative to personal care services and providers.

SB 328, making corrections to statutory references in certain fish and game laws.

SB 338, relative to trustee process.

SB 349, relative to the sale of the marital residence in a domestic proceeding.

SB 363, relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.

SB 368, relative to insurance fraud.

SB 375, relative to motor vehicle dealerships.

SB 378, relative to Article 9 of the Uniform Commercial Code.

SB 389, relative to medical benefits for group II members of the retirement system.

SB 415, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

SB 419, establishing the crime of negligent storage of a firearm.

SB 424, relative to controlled substances used for pain management.

SB 428, relative to the health care fund.

SB 464, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

Senator Disnard moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 553, establishing a committee to study the status of men.

HB 1106, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

HB 1240, requiring the department of health and human services and insurers to make prompt payments.

HB 1369, clarifying authority to regulate asbestos.

HB 1563, establishing the Wolfeboro Airport Authority.

SB 128, replacing the housing assistance trust fund with a homeless prevention fund.

SB 308, relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.

SB 403, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

SB 409, relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

SB 413, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

SB 445, relative to methadone maintenance treatment and the licensing of limited retail drug distributors.

SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

Senator Disnard moved adoption.

Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 733, relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

HB 1377, prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

SB 330, establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.

SB 334, relative to credit unemployment insurance.

SB 397, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

SB 401, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

SB 469, relative to mutual insurance holding companies.

SB 458, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

Senator D'Allesandro moved adoption.

Adopted.

ANNOUNCEMENTS

SENATOR J. KING (Rule #44): I just want to let you all know that I do not intend to run for reelection to the Senate. I have served a total of 12 years. Two years in the House and ten years in this body. It is a fine body to serve in. It is a pleasure to serve in this body. It is an honor to serve here. The time has passed quickly, and it is now time to allow someone else the honor to serve in District 18. A big thank you to the Clerk, Gloria Randlett and her staff, to Carol Pletcher and her group, the researchers, the Legislative Services, and of course, to all of you Senators who have been so kind, in so many ways, and especially when you said yes to my legislation. I shall miss you all. Good luck to all of you next year.

SENATOR EATON (RULE #44): As you all know, I came in here in the middle of the biennium. Being very new, I would like to thank the Senate President and all of the members of the Senate, for their kindness and courtesies offered to me this year. To the Senate staff, who all you had to do was ask and they were very, very willing to help with anything that you asked for. Also to Carolyn Carey for keeping my schedule and keeping everything going for me. Thank you all very much.

SENATOR FERNALD (Rule #44): I wanted to say a thank you to all of the members of the Senate. I have greatly enjoyed my time here these two years. I do not intend to file for reelection. It has been an extraordinary experience. I have been a lawyer for 15 years and so I have dealt with the laws from that side, if you will...and it really has been interesting and challenging to be a legislator and to be writing laws, and to see the process. I don't look at it as "sausage making" as some people say. I see a lot of hard working, dedicated people, both elected and staff, who do an extraordinary job and work with an extraordinary number of bills, ideas and principles, and try to do the people's business as expeditiously as can be. I think that we really succeed on the whole. I thank you all for letting me be a part of that. I will be making an announcement in the front of this building at 10 o'clock tomorrow morning. I fully intend to be back in this building again next year. For those of you who question that, just keep in mind that you didn't expect me to be here starting last year. Thank you.

SENATOR BROWN (RULE #44): For those of you who don't know, I have a novel that was published a couple of years ago. I have a box of them that I have brought in for each of the staff and each of the Senators who

might like one. It is a New England adventure. A mystery. When you read it, if you are like everyone else, you are going to say, "I don't believe that you wrote this Mary". I wrote it under another name which is Humphrey Brown, I am originally a Humphrey. I don't think related to anybody else in Chichester. So please, if I don't catch up with you, come by my office or leave me a note and I will sign a copy for you and leave it on my desk. Thank you.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

LATE SESSION

RESOLUTION

Senator Cohen moved that the Senate be in recess for the sole purpose of receiving House Messages, Enrolled Bills Reports and amendments and that when we adjourn we adjourn to the Call of the Chair.

Adopted.

In recess to the Call of the Chair.

Out of Recess.

LATE SESSION

Senator Cohen moved that the business of the day being complete that the Senate now adjourn until Wednesday, July 12, 2000 at 10:00 a.m.

Adopted.

Adjournment.

July 12, 2000

The Senate met at 10:00 a.m.

A quorum was present.

The prayer was offered by Reverend Dr. Robert de Wetter, Senate Guest Chaplain.

Good Morning! Greetings from David Jones, as he is now on a cruise, wishes you all well in the Senate. As we know, writing newspaper headlines can be very tricky business. Sometimes what is written doesn't convey what was intended. Here are some examples of what I mean: Local police begin campaign to run down jay walkers. Another headline stated: Juvenile court to try shooting defendant. Finally, another read: Astronaut takes blame for gas in space. Headlines can indeed be subject to misinterpretation and especially when tough decisions are at hand. Today, each of you is confronted with making some tough choices. There are times that we, as human beings, make surprisingly good decisions, and there are times when our reasoning is quite fallible. What is evident is that our decisions are never perfect, because we are not perfect. If we were, there wouldn't be any such thing as humiliation, forgiveness and grace, and we certainly would not need God. In spite of our shared human imperfections, it is evident that this elected body remains passionate about the pursuit of justice, wise legislative decisions, fiscal respon-

sibility and public service. In light of the weightiness of the offices that each of you hold, and the difficult choices that lie before you, let us bow our heads and pray this day:

God of ultimate veto power, we turn to You as we proceed in making decisions, some of which are easier than others. We ask that You guide our minds so that we will ask the tough questions, mediate our dialogue so that we may have conversations that enlighten our deliberative process, and lead our thoughts so that we will come to wise and right conclusions. In the midst of the freedom You have given us this day to make choices, we pray that our actions will be reflective of Your will, Your concern for social and economic justice, and Your love for all peoples that we service as members of this state Senate. Amen.

Senator Johnson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS VETOES

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed Senate Bill 153, an Act requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

It is with regret I have vetoed SB 153. I believe in the goals of SB 153 and support the motivation of the sponsors who seek to enhance the funding available for alcohol education and abuse prevention and treatment programs. However, I cannot responsibly sign into law the proposed funding mechanism included in the legislation.

The bill proposes to earmark a percentage of profits from state liquor sales specifically to fund alcohol education and abuse prevention and treatment programs. This bill does not create a new revenue source and dedicate that new revenue source to fund these substance abuse programs. Instead, it seeks to carve out part of an existing revenue stream and take it away from funding existing essential services. The profits we derive from the state's liquor sales all go into the state's general fund, which pays for essential services the state currently provides its citizens. In fact, we count on growth in liquor revenues to meet the increased costs we experienced yearly in existing programs and services because of inflation. As such, any future increase in liquor sales profits are not somehow "excess" profits available for new programs; they are part of the financial equation that enables us to keep up with the increasing service demand and cost pressures associated with existing programs and services.

SB 153 was pending during legislative consideration of the operating budget last year. Rather than grappling with the cost implications of the bill during that debate, SB 153 was amended to put off the effective date to FY 2002, thereby leaving the challenge of accounting for its costs to a future legislature.

Like other bills I have vetoed this session, SB 153 proposes new program expenditures outside of the biennial budget process. SB 153 will remove approximately \$2 million from the general fund over the next biennium. That amount of money pays for a third of the meals we provide to seniors through our Meals on Wheels program. Two million dollars is also what it would cost to provide qualified child care providers

with a 5% per year rate increase in their reimbursement rate, which would enhance their ability to attract more qualified workers and improve the quality of care received by our children. If funding for substance abuse programs is a priority for the legislature, the discussion of how best to fund them should have occurred in the context of the biennial budget process so that the need for these programs can be weighed against other priorities. All legislation that costs money must be considered in the context of the state's fiscal situation. It is irresponsible to focus only on the merits of a bill in isolation and not consider its impacts on the state's overall budget picture.

For these reasons I have regretfully vetoed SB 153.

Respectfully submitted,
Jeanne Shaheen
Governor

SENATOR GORDON: I rise in support of overriding the governor's veto on SB 153. I also have an introduction this morning. The person that I would like to introduce is David Bleiler. David Bleiler comes from the town of Alexandria. It is not my Senate district, it's Senator Below's Senate district, but it is my hometown. David wrote a letter to me over two years ago now, when he was 14 years old, and in the eighth grade. In the letter he said, "I have a problem with our underage drinking problem in our country. It is a known fact that if you start drinking before the age of 15, you are a lot more likely to become an alcoholic. It is amazing how easy it is for kids to get alcohol. I didn't think that this was a problem until I found out that some of my friends drink. Even if they don't become alcoholics, which some of them could do, it still could ruin their lives. Sadly, some parents don't care if their kids drink. Some parents think it is a joke, which is very bad. Please do everything in your power to stand by me and stop this huge problem." That was the genesis of SB 153. I would like to introduce David today and congratulate him for being involved in the political process. Also, I would like to introduce who he has brought with him today, who is his mother, Nancy Bleiler. David wrote the letter, and I was going to do what I frequently do with correspondence that you receive from constituents, and that is to provide a courteous response, a prompt and courteous response. Because frankly, I didn't think that there was that much of a problem with drinking in the state. In fact, when I went to look at it, it didn't appear that there was that much of a problem, because alcohol consumption in this state is increasing only very moderately, overall. But, the one thing that I did find, was that there seems to be an enormous boom of alcohol consumption in one particular age category. That is the ages between 13 and 17 years of age. I didn't realize it because I wasn't seeing it. But I should have seen it because I represent Plymouth State College. President Wharton has repeatedly said that sometime, in his past, in his lifetime, kids would come to a college campus and have their first alcohol experiences. Today that is not happening at Plymouth. The kids are coming to Plymouth State College, well educated on the use of alcoholic beverages. The governor's veto on this bill...and basically this is a matter of responsibility. What is our responsibility here? To pass this bill would not be responsible, fiscally responsible. Well my argument today is simply going to be that I think that in not passing this bill, we would not be acting responsibly. We would be irresponsible if we do not pass the bill. That is really the question for you to decide. In voting for this bill and not deciding the vote, which is the most responsible course of action? I tell you that I didn't really see the problem, but that problem exists. I just want to show you if I could, I probably had better

get out here. The problem is all around us and we don't see it. I just took a sample of headlines, just from the last couple of weeks. Okay? It is there all of the time. I am sorry, I don't usually do this. "Mom charged with giving daughter and thirteen friends alcohol and pot." "One hundred and nine nabbed at Keene drinking party in Gilmanton." This is an article, "Police break up Alstead graduation party." "Police nab one hundred and twenty students at graduation party in Walpole." A very tragic incident in Barnstead involving a young lady from Goffstown. "A drunken driver, binge plan was planned before he took this poor young lady's life." "Four Concord hockey players suspended." "Hopkinton athletes get big break on keg parties." Now these are just in the last couple of months, these headlines. It is all around us. I think that what is happening is that we have become desensitized. We don't see it anymore because it is just so frequent. It has become part of our lives. But it is there. This age group 13 to 17, it is just booming with alcohol use. It is rampant. I have some charts which were supplied by New Future just to basically show you what the problem is. Alcohol is the number one drug among college students. They surveyed high school students in this state. This is all grades of high school students. They asked them in the last month, how many of them had used alcoholic beverages? Fifty three percent said that in the last month, they had drunk alcoholic beverages. Only 34 percent said that they had smoked tobacco products or used tobacco products. More kids in our schools are using alcohol than are using tobacco products. Thirty percent of them said that they used marijuana in the last month. Five percent said that they had used inhalers and three percent said that they had used cocaine. But what is the drug of choice? Over half of the kids surveyed in New Hampshire, in high school, have used alcoholic beverages in the last month. One of two of New Hampshire high school students report drinking alcohol last month. One in three report binge drinking. Now binge drinking is defined as "having more than five drinks on one occasion." There is only one reason to do that and that is for the affect, not because you are a social drinker. It is because you want to get drunk. What this shows is that in ninth grade, this is freshmen in high school. Forty seven percent said that they had a drink in the last month, but 26 percent said that they binged drink. The devastating thing is that when you get up into the seniors, the 12th grade, 68 percent of seniors said that they have been drinking in the last month...two thirds of them. At 48 percent, approximately half, had binged drank. Five or more drinks on one occasion in the last month. These are the risk factors looked at, at various grade levels. Ninth grade, tenth, eleventh and twelfth. Looking at the seniors. Alcohol use, 68 percent of the seniors, 2/3rds of them have used alcohol in the last month. Forty eight percent of them, as I just said, had been binge drinking. Five or more drinks at one occasion in the last month. Thirty seven percent...over a third of them, had ridden with a drunk driver in the last month. Probably the worst statistic...25 percent of all seniors, reported that they had been driving after drinking in the last month. There are other risk factors, because when you drink, obviously it affects your behavior. It affects your behavior and your willingness to participate in other activities. What this says is that if you are a binge drinker, you are substantially more likely to use marijuana. Sixty five percent of binge drinkers used marijuana. People who don't binge drink, only 13 percent used marijuana. In terms of having sexual relations, intercourse, in the unmarried relations in the last three months, if you were a binge drinker, your chances are 50 percent. If you don't binge drink, 20 percent. The last one, if you were involved in a physical confrontation, a fight, in the last year, 40 percent...half

of the binge drinkers reported that they had been involved in a physical confrontation in the last year. Non binge drinkers less than half of that amount. So you can see that when you do engage in alcohol consumption, there are other consequences. Finally, the cost of this are enormous. In this state right now, and I asked the division to provide us with how much money that they would receive, they are receiving in funding, a little over \$2.2 million in funding, to deal with this. That is what we are spending, on a statewide basis, we are spending about \$3.1 million, total, on abuse programs. When I say "abuse programs" that is alcohol and drugs together. I can tell you the consequences of alcohol are substantially greater than any other drug that is consuming this state. The revenues that we are receiving out of the Liquor Commission right now, is \$64 million. But the consequences in terms of lost productivity to the state, and this is just with teenagers, this isn't with adults, is estimated to be at \$140 million. So what this says is that in consuming alcohol, we make our citizens of this state, less productive. So these are dramatic statistics provided by "*New Futures*", which I know have been supplied to you in the past. So what is the concern about alcohol consumption? The concern is that you are more likely to be involved in domestic violence. For those who have supported domestic violence, you are more likely to be involved in other drugs. If you have been involved with other programs that we have this year, with methadone, with other programs that involve drug use, you need to be concerned about alcohol because that is going to increase the probability that you are going to be involved. You are more likely to be involved in violent crimes. You are more likely to miss work and be a nonproductive employee. You are more likely to receive state benefits because you are not part of the system. That is the consequence. That is why we need to make some type of investment. Now what is the state's responsibility? This is about responsibility. The state's responsibility here is that if you are going to be in the business of marketing alcohol, and selling \$300 million worth of alcohol every year, shouldn't you take some responsibility for the consequences? I have two more charts. These charts come from the *Union Leader* the Sunday before the Fourth of July. Two pages of colored ads. I checked with the *Union Leader* on how much was a full page colored ad cost? About \$4800 for a full page colored ad. Two page colored ad, advertising the savings explosion at the liquor store. A perfect blend of savings and selection. But that is not enough because there were actually four pages of colored ads. This is just in the *Union Leader* on the Sunday, before the Fourth of July. Each page costing \$4800. So the Liquor Commission is in collusion, in terms of attempting to market as aggressively as we possibly can. That is because not only are we making addicts, we are an addict. Because we are addicted to the revenue that is coming in from this process. So if we are going to be involved in the marketing, we need to take responsibility for the consequences. Now the question is, how much are we spending right now? Well people are saying that we are spending \$2.2 million. Now I have, just for sake of an example, I brought some Budweiser, which may come in use later. If we take this, each one of these represents \$1 million. So each one of these cans, and I am not going to take them all out of the case, as much as I would like to, but this is a 30 pack. Some Red Dog for variety, Busch Beer. We have all of this beer here and each one of these represents \$1 million in profit that we are taking in. Now how much of this do you think that we are using for prevention? We are only taking two of these cans right now to deal with alcohol and drug abuse right now. How much do you think is being spent on prevention? Well, the answer to that is this: I went down and bought

a shot glass because I figured that this is probably how much it was, but then when I actually calculated it, it is not that much. The amount that we are spending on prevention in this state is that much, \$21,000 a year on alcohol abuse prevention. One/fiftieth of one of these cans is what we are spending on alcohol prevention. That is it. So the question is, how do we get more bang for a buck? Obviously, we have to invest in it. We need to make an investment in the future, and that is what SB 153 does. It is a responsible action. I understand the issues here. The governor would like to lump these in with the other bills and just say, well we have to be consistent. Well there is a big difference between legacy and succession tax and interest and dividends tax, where you are simply taking money out of the general fund. In this particular case, you are making an investment to make New Hampshire people more productive. That is a big difference. It would be inconsistent not to vote for this bill. That is what we want to do in New Hampshire, is to make people more consistent. It doesn't take a dime out of the general fund. This bill...those other bills would take money out of the general fund. We have all of this beer here, how much of this beer do we take away if you pass SB 153? Not one single can, because what this bill does is, it takes an increase in the profits over future years, so all of this beer stays here. You are not depriving the general fund of one dime, one dollar, one can of beer. The only other criticism that I have heard is that you don't know how the money is going to be spent. Well we know that it is going to be spent on alcohol education, abuse prevention programs and potentially treatment programs, but that can be true of any expenditure that you make. When we send money onto Meals on Wheels, we don't know who is going to cook the meals, we don't know who will be delivering it. It is the same thing with this particular plan. So the bottom line, just to sum up, I was going to have another guest here today, and some of you may know that my brother-in-law was killed by a drunk driver, October 1973. He was an oil burner repair man. He got a call at night that somebody's furnace wasn't working. He went out at night. Some young kid, drunk in his car, crossed over the median line and ran into him, head on. Killed my brother-in-law, killed himself and killed his girlfriend who was in the car. He left five kids, by the way. So I said, it would be a good idea if I brought in my niece, who lives up in Groton, down with me today, and I would have her sit in the balcony, and then I would introduce her and say that this is the consequences, this is my niece and these are her kids. They never got to know their father. My sister-in-law, who is now deceased, died prematurely. She never worked in her life. She was never the same after that. She took in kids in a daycare type capacity to earn a few dollars after that, but life was never the same. So I said that I was going to bring my niece down here and introduce her and let you look up at her, and have you see what the consequences have been to her. That was just 27 years ago that that happened. When I asked her on the night of the Fourth of July whether she would be willing to do that, she said, "Ned, I can't do that. I will just sit there and sob." That is how fresh that this is. That is how much this hurts people. The bottom line is this. I know that I have taken a lot of your time today, but the bottom line is this. That is that David Bleiler recognized a problem. He said that there is a problem that needs to be addressed and I want you to stand with me. Your decision here today is, **TAPE CHANGE** or to stand with the governor. I have made my choice, and I am going to be standing with David and I hope that you will too.

SENATOR SQUIRES: I wanted to speak briefly to this bill, Madame President, and I will not repeat the information and the eloquence that

Senator Gordon presented to you. I am looking at this from the point of view that every person in this room, I think, has been touched by this plague, in some way or another. Either as a child or a child that became an alcoholic or alcoholic abuser, later in life. My life was spent often times, in the emergency room picking up the pieces. A month ago I was coming home from an event in Manchester. I stopped and there was this huge crash, and my car sustained damage of a considerable amount. Sure enough the guy that hit us, this was his second charge of DWI. A young kid, in his 20's, who probably, I would submit, had started out at an early age. I think the one thing that we are beginning to learn, that the prevention of problems...we should have learned it...it has been known for at least a century, but to prevent something is cheaper than to treat it. That is unquestionably true in the smoking arena, which we have finally realized this year. It certainly is true in education. We heard yesterday, that if you can't read by the fourth grade, you are unlikely, ever, to read at the same level as someone that can. So we spend tens of thousands, if not millions of dollars on remedial reading in the tenth, eleventh and twelfth grades, and in the technical college system, when we really need to go back and prevent it in the first place, and so it is with this problem. We spend millions on locking up drunk drivers, on treating cirrhosis, on treating dementia's, and on and on and on, when we should spend something more than a medicine dropper, on preventing the problem in the first place. Public health is cheap. Today, as you know, is the birthday of Medicare. I listened to the secretary of Health and Human Services talking about how medicine has changed. Where has polio gone? It is eradicated. Why? Not because we figured out how to treat it. We figured out how to prevent it. So that is what this bill is all about. It needs to be supported. It does not change the general fund budget as you said. It does not put the bond rating in jeopardy. It is the right thing to do from the public health standpoint, from the personal standpoint, and particularly from the standpoint of people who have become afflicted with this problem in high school or even earlier. Thank you.

SENATOR MCCARLEY: I want to certainly compliment Senator Gordon, but I guess that I am going to have to speak. I am going to give you guys great news. This may be my only talk today. I may do this one once, and then you may all be spared the Caroline McCarley passionate outburst. I care deeply about this issue. I have been asked by *New Future* to serve on the Match Project to deal specifically with ways for youths at risk. I have supported every local program in our schools to deal with this issue. I have teenage sons. I am interested in that Senator Gordon wasn't sure how big the issue was. I can tell you that my teenage sons...one just turned 20, but I have watched this for years and I have fought it for years, in my kitchen, on my school boards, in my community. Having said all of that, I am going to vote to sustain this veto. Because while there is a different implication, I will be very interested to see in future votes, if there is also the belief that those other more significant implications, therefore should be sustained. Maybe they will be. I don't know. I don't know what those votes are going to be, but taking as a package, these votes, will guarantee cause us to cut back on lots of things that we will try and do next year. Because we are going to be in such a hole. I listened to the radio, and I have listened to the commercials, for people who want to run this state next year. What I hear to some degree, from at least one of those candidates who is considered to be an important candidate in this race, is "We can deal with all of this in ways without cutting budgets." Well, that makes me nervous, because I don't know what we are

going to come back here and have the will to do. Now I have voted several times, for several revenue sources. We have collectively managed to vote for several revenue sources, but never as a body. We never got there guys. We never got there with the people from across the hall. We never stepped up to the plate. So for us to now, set it out, guaranteeing more serious fiscal issues with this state by voting in, as a block or whatever with these votes, I can't do. I feel once again, for like the 30th time, that I am being asked to be the person who votes for domestic violence and alcohol abuse and all of these horrible things. I will tell you that I don't believe that that is what I am voting for. It is not what I am about. I also think that this is a big huge issue that we can't easily pick and choose, so I am obligated, I feel, in terms of all this state is trying to do, to support sustaining this veto. Thank you.

SENATOR WHEELER: I also with your indulgence, am planning on making a fairly long remark right now, but will not pop up on all of the other bills because I see them as all of the same package. I appreciate the honorable Senator from Bristol, bringing the statistics to us. I have known for some time of these frightening statistics and I am very appreciative of the excellent work that *New Futures* does in our state. I know about the frightening consumption of alcohol among teenagers. I am active in my school community to try and find ways to educate and reduce this abuse. I think that we should be addressing this problem. I don't think that this is the only way to address the problem. I think that next year we could have a more carefully thought out plan that would actually have appropriate revenue attached to it. If the cost for the state are greater than the profits in sales, perhaps our question should be, why is the state in the business of promoting alcohol at all? It is really a much bigger issue than the one that we have before us today. I am really unhappy when I have to disappoint good friends and people whose opinions I value and respect. I don't like to make unpopular decisions, and I am not noted for being a fiscal conservative. However, I do try to live up to my responsibilities to good government and balanced budgets, and that moment has arrived today. I intend to sustain all of the governor's vetoes on the bills with fiscal impacts. Even though these are bills with policies that I strongly support, and for which I voted originally. I believe that the state should not be in the business of promoting alcohol consumption. I have worked for and will continue to work to improve and expand our substance abuse, prevention and treatment programs. I consider alcohol to be the major abuse substance there. I believe that the interest and dividends tax is a discriminatory income tax and I would like to see it repealed as part of a general income tax. Our legacy and succession tax is confiscatory and unfair to many parties and should be repealed or overhauled. The family court is a wonderful concept, which should probably be adopted and funded in all counties. Sludge is a toxic hazardous waste, which should be thoroughly tested and monitored before we expose ourselves to the risk of land spreading it or using it to reclaim spent gravel pits. Separately, each of these pieces of legislation creates important public policy for our state, but collectively, they spell financial disaster. Many have reminded me that some of these bills don't represent very much money. That is true, but I don't feel that I have the luxury to pick and choose. The principle is the same for all of them. We would be increasing spending without finding a new source of revenue. We have been informed by our state treasurer, that the rating agencies are poised to give New Hampshire a rating downgrade because of our current funding shortfall. This downgrade of our bond rating would have

a ripple effect on local communities, giving localities a higher cost of borrowing. This in turn, could increase our already high property taxes. By reducing our existing sources of revenue, while supporting the new spending required in the vetoed bills, we would be exacerbating our already big revenue problem. Our state treasurer tells us that bond ratings can be dropped in a matter of a few months. In the early 1980's, we were dropped from AAA to A in six months, but it can take years to have the bond rating increased back to its previous level. In fact, New Hampshire is still not back to AAA. This discussion of bond rating is not just some esoteric debate with no real effect on our real lives. We are all affected by a downgrade. Therefore, the votes regarding the vetoes have real consequences for all of our communities. We don't have the luxury of saying that this is how I want to vote. We must see the budget as a whole. Understand that there has already been a three percent cut in the operating budget of all state departments, as well as an across the board hiring freeze. We need to understand that reducing revenues and increasing spending in some new areas will jeopardize current state services, which our constituents depend. The downgrading of our bond rating would have a direct effect on all of our pocket-books. I will continue to work for the important public policies expressed in these bills under consideration, but I will do so in the context of a budget with sufficient new revenues to support the policies. The only fiscally responsible action that I see now is to sustain the governor's vetoes. Thank you for your indulgence.

SENATOR FERNALD: Senator Gordon, am I correct in reading this bill that it will not have a fiscal impact until after the end of fiscal year 2002?

SENATOR GORDON: That is correct. There will be no money paid out until actually we are in fiscal year 2003.

SENATOR FERNALD: My second question, just because you brought beer in here. The bill says that gross revenue derived by the commission from the sale of liquor. So are beer and wine not included in that?

SENATOR GORDON: They are not included. It is hard liquor only. It was just for purposes of illustration.

SENATOR FRANCOEUR: Many of you know that since I have been in the Senate for the last four years, that I probably have been very fiscally conservative with spending money. Senator Gordon came to me and asked me if I would co-sponsor this bill with him. After reviewing it, and looking at the spending amounts, I can't see how anybody could have any problem with it. This is a bill that spends only money from an increase. Nothing comes out of what is already taken in. The state has raised millions from this. It concerns me that we spend only \$20,000 for those that it destroys. Talk to your kids, talk to the teenagers, what do they do on these hot summer nights? Where are they? Senator Gordon brought up... just look at one newspaper. I know that as I read the paper in my area, kid after kid, one after another, are at somebody's house or driving somewhere. If you take that time to talk to them, you will find out. I think that as I did, as Senator Gordon did, when he first mentioned it to me, he was thinking that there was only maybe five or ten percent. If you start talking to your teenagers and those involved with them, you will find out that these numbers are really close, 50 and 60 percent. They are not farfetched. I would ask the Senate today to support Senator Gordon. The Senate would override the veto that the governor has placed on this, and that as we take a look at the fiscal cost of this, that the cost is even higher if we don't.

SENATOR COHEN: Of course I am concerned about the state budget deficit and increasing the deficit. This, I believe, is not part of the same package. I think that this is fiscally responsible. We have \$140 million serious problems here. New Hampshire costs, alcohol-related traffic crashes, violent crimes, burns, drowning, suicide, medical care, lost work. To me, to not do this, to not invest this little amount of money, to try and address the \$140 million, that is fiscally irresponsible to not do this. I do not see this as part of the same package with the other bills that have been vetoed. This, I think, is an investment that we have to make. I think that it is fiscally prudent, and that is the difference to me.

SENATOR F. KING: I rise to speak, although I hadn't intended to speak on this particular issue, but since several Senators have spoken about the vetoes about a total package, I would only say that I think that what we are talking about is "too little, too late." Those who admonish people who may vote to override these vetoes, some of them are the same people who failed to support legislation that would have brought fiscal sanity to this state budget, in months previous. I would say that both the House and the Senate acted responsibly in passing legislation that would have taken care of the deficit that we are faced with. The governor stood in the schoolhouse door and prevented that from happening. Now at this late date, on July 11, we are being asked to not override these same vetoes, the veto that the governor should have used, she should have vetoed HB 117 and stopped that process of spending \$825 million on a \$400 million problem until the legislature and the governor could have got together to fund it. These vetoes are something that I think that the state can live with. I believe that the state has serious problems with its bond rating. I would suspect that regardless of what we do here, that threat will continue, but these pieces of legislation that we are talking about, do not affect this biennium. The legislature, in January, will be able to deal with the deficit. They are going to have to do that. It is going to be a huge deficit that is going to require huge undertakings. So I won't promise, like some of the Senators have, not to speak again today. I think that the responsible thing to do is to do what is right for the citizens and then expect the legislature to experience the courage that it hasn't experienced in this budget period, to do the right thing in the future, and deal with this problem then and not at this late date, try and put water on the fire that has been burning for a long time.

SENATOR J. KING: I promise too that I won't come up again, because my promise now will encompass all that I have. I might have a couple of questions to ask and so forth, but basically, I will not be getting up. It is a difficult situation, no matter how you look at it. As far as all of these bills, some of them I did vote for last time, hoping that something would pass. The inheritance tax is probably the most disliked one there is. I have worked in the past trying to change it. But all of these people were so interested in it, it never got passed. That was three to five years ago. I worked on some of the other ones here, worked on the Augenblick Formula and tried to change it. Some of the same people that are in here, are some of the same people who were in the House. But now, we have a situation where we have a deficit, Lord only knows that it is. Some say it is \$60 million, some say it goes up to \$125 million. So I strongly support sustaining the governor's veto on all of these. Not because I don't think that they are good bills. No way, shape or manner. I have worked on some of them. I have created some that are very similar to them, but I am not going to add to a deficit. That is the wrong

plan to start. And to decide which one you want to take, it would be very difficult, because mine is of the less than the others, you start picking because it doesn't cost as much or what. My feeling is don't use them all. I plan to vote not to override the veto because, currently the deficit ranging from \$60 million to \$125 million, allowing this to pass would add from \$30 million up to another \$60-\$70 million. Our job is to provide a balanced budget. This is a dereliction of duty to operate in this manner. The dire effect that it will have on our bond rating as mentioned by Georgie Thomas, our state treasurer, will mean a possible downgrading. Is that what we want to happen to the state of New Hampshire again? Eliminating current revenue without replacement, plus adding to a current deficit, it is not responsible to pass a tax cut without cutting the budget or replacing it with something new. Do we want to start a policy of just passing it anyway and let the next legislature take care of it? Let's hope that doesn't happen, because that is an awful plan to start. We might become to like it. So do what you want the last few months, pass it on to the next legislature. Let's not start that, please.

SENATOR BELOW: I rise in favor of overriding the veto on this bill. I commend Senator Gordon for his hard work in bringing the bill to this point. I think that we are all aware of the tremendous economic, social and human costs of abuse and addiction to alcohol and drugs. New Hampshire leads the nation in its revenue from alcohol sales, in many respects. According to a study called the New Hampshire Health Care in Perspective 2000, by the Morgan Quitno Press. The adult per capita alcohol consumption in 1997 compared in all 50 states, New Hampshire ranked first in the nation. That is a little misleading because that is based on our sales per capita, a good portion of which are out-of-state residents. But what it does indicate is that we rank at or near the top in our sales per capita of alcohol. That is not surprising, because I think that we are one of few, if any other states, that actually locate our liquor stores right on the rest areas on the interstate highway system. So we are effective at raising that revenue. In fact, in 1999 our net profit from alcohol sales, accounted for 7.4 percent of our general fund. I couldn't find comparative numbers with other states, but I suspect that ranks us at or near the top in the proportion of our general fund that comes from the sale of a substance, that for many people, is addictive and creates tremendous problems. The irony to this, the contrast to that, is that we rank very low in our investment in prevention and treatment, and we have very high indicators, and you have heard them before, I won't repeat them, but many indicators, particularly with our youth, place us well below average...or way above average, in terms of the problems and risk associated with this problem. Just a couple of numbers...according to the National Association of State Alcohol and Drug Abuse Director's 1999 Report, New Hampshire's average, per capita expenditures for state supported alcohol and other drug treatment programs, from all sources, state and federal money.....In 1997, New Hampshire averaged \$5.47 per capita. The national average was more than double that at \$11.95. Another study indicated that 1997 expenditure, ranked New Hampshire as 42nd in the nation in expenditures on prevention and treatment. Much of that, most of that actually, are our share of federal funds, because we put so little in from the general fund. We have had this argument...I think that we are all struggling with what is the responsible thing to do? We would all feel much better if we could say that this doesn't have a budgetary impact. What has happened, budget after budget, year after year, decade after decade, as we have said, we will get our revenue from

these addictive substances and activities, but we can't afford to invest in prevention and treatment because we don't have enough revenue from other sources. And indeed, if we don't make this commitment, my fear is the same thing will happen. We will go into the next session and say that we can't afford to invest in the prevention and treatment. I think that one of the innovative things about this bill is that it doesn't take away any current revenues. It does take a share. Half of the future growth. So that if we have growth at 4 percent, only 2 percent of that will go to the general fund and 2 percent will go to this purpose until the total amount reaches 5 percent of our total sales. That would be \$3 million or so a year. That would allow us to double our state share of funds for this prevention and treatment. The mechanism for how that would be spent is through the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment. The beauty of that is that there is a lot of work going on, there is a lot of support in the private sector, the nonprofit sector, in New Hampshire, to look at what are the most effective ways to expand, make investments and prevention and treatment. This will allow that flexibility, in a competitive sense, make those decisions about where to most effectively invest these dollars. Finally, I just want to say that I think of this as kind of an insurance program. That investment is a kind of insurance. Many people can enjoy alcohol or tobacco perhaps. I think that maybe everybody gets addicted to that or gambling. They can enjoy that without creating tremendous problems or cost to themselves or to their families. Some people do have that problem and we know the cost. To say that we will take 1 percent of the gross sales, 5 percent of the profits, and invest that in a kind of insurance so that those people who do have problems, or at risk of that, we can help prevent that and treat that, I think that is a fundamentally responsible thing to do, especially when we don't have a situation where treatment is available on demand at the time when people hit bottom, and they want to get into recovery, we don't have the support for that, and we should.

SENATOR BROWN: There is a way to solve our jeopardy of our bond rating today. It is not by vetoing these bills. The governor should not criticize us as being irresponsible. What the governor needs to do is to step forward and announce a comprehensive plan for the next session. I understand that she has a commission. All of us have been working on this, we know what needs to be done. She could show the way...we can all do this in our campaigns, and our public announcements, building support amongst the public for a new tax structure here in New Hampshire. It requires vision and it requires leadership, but the best way to preserve our fiscal sanity in this state is to face up to the reality. We have an unfair tax structure. We have to fund our public schools. We passed the bill, and you know that I didn't vote for it, but I am risking all of my political capital and more, going out there and talking about, of all things, an income tax. Wherever I go, the people of the state appreciate the fact that I tell them exactly what I believe. I am asking the governor, and I like her, she is a nice person, to find that courage to step out and tell us what you will do. The bonding companies deserve to know, the citizens of the state deserve to know, we deserve to know. All of you who are going to be here next year, should know what you are buying into so that you can work on it. That is called leadership. We shouldn't have to wait, and we shouldn't have to wonder, and we shouldn't have to guess. We are not irresponsible for doing the right thing. An unfair tax, and I am talking about the whole package here, is not the right

thing to do. It can start with us, we can have the vision, we can have the guts and the courage to do this, and then when the next legislature gets here, I hope that I am here to help you by the way, I am optimistic, but I am sure as heck going to help you, because I am out there every chance that I get and I am talking to everybody, and you would be amazed at how many people are coming along. I am conservative, you know that. They are listening folks. They want property tax relief. They want a sensible and fair tax structure. I say this sincerely, I am trying not to be critical of anybody in this race. We are all candidates, whoever they are, we need to find the courage to be straight forward and risk our political capital, let it fall where it may. New Hampshire's more important than me being elected to anything. Thank you.

SENATOR LARSEN: This is a very difficult time for each of us, knowing the issues before us, to vote against what we believe are good policy programs for this state. I come from a family that has had alcohol problems. I have a brother who has had alcohol problems. I have extended family members and I have witnessed what it has done to their families. I have come through a community that has seen significant losses due to alcohol, to family members. We have seen the effects of alcohol in our communities and in our families. I suspect that every single person in this room has seen that. So it is not an issue of do you believe that alcohol is a problem in this state? Clearly, as the mother of a teenager, and all of you recognize as well, this has an effect on the teenagers of our state as well, and we need to work on that. But the question is, is this the time to do it? And, are we being fiscally responsible today when we look at the package of bills before us, and whether we sustain these vetoes. My rough estimate is, it is a \$50 million if you vote to override these vetoes. We already know that we are facing at least \$40 million in deficits. We are facing a significant budget crisis. The question is, for the next session, it is for us to act responsibly now, and to make that commitment that in the next session of this legislature, those of us who are back, those of us who may not be back, but will be working on their issues in this community and talking to community leaders, we need to address all of these issues in the next session. But that is the time to do it. That is the time that we eliminate the legacy and succession tax. During the budget process is when we generally allocate monies for substance abuse programs and other policy programs. We put tobacco money in the last budget. I didn't hear an argument that we needed to put \$3 million into alcohol treatment. I agree with it. But, I didn't hear that in the last budget cycle, and we could have done that. We could have put that into the mix. We didn't. The time to do these programs is when we know revenue is coming in, and then make decisions on what we, as policymakers believe should be revenue going out to programs. That is the time that we will be fiscally responsible. I will be right there when it is time to vote to put in alcohol treatment programs. I will be there when it is time to vote for legacy and succession elimination. When I know the revenue is there to replace its loss, because what we see is not...we are not talking excess revenues, we are talking...we count on the growth in these liquor sales to sustain existing services to people in this state in need. We count on the growth in revenue, the inflation to cover the cost of inflationary increases in the cost of providing services. Those are essential to this state. If we are going to put in new programs, we have to think about new revenues. We have seen, identified through the veto message, that the \$2 million which this little bill, which is a great bill, the \$2 - \$3 million this program would eliminate from our revenue

forecast in the future, equal one-third of the Meals on Wheels Programs offered in this state to our elderly. The same \$2 million could be a 5 percent increase to child care providers. We would like to do that, but those all have to be weighed in the context of what our revenues are, and that happens in the budget cycle. That happens next session when we get into a serious debate and find that political will and that political consensus that has to happen in these two bodies, to find new revenues. I sure hope that it comes next year because this is getting pretty hard to do. So I encourage you to think, and to know that those of us who vote to sustain these vetoes, are doing it out of a deep sense of responsibility to this state, to maintain the budget credit rating, and to maintain a fiscally sound budget and to wait until we know that there is consensus and political will, to pass a new revenue stream that pays for these wonderful programs.

SENATOR GORDON: I was asked a question by Senator Fernald as to whether or not the profits applied only to the sale of liquor and I responded in the affirmative. When the bill was originally submitted, that was true. When the bill was finally passed, it included...and the reason for that is that because the liquor revenues themselves are the vast majority of the revenues. When the bill was finally passed, after it was amended and passed the House, and concurred upon by the Senate, it included the liquor revenues and other revenues, so all the revenues are included for the liquor products. I just wanted to make that clear before people voted.

SENATOR KLEMM: Senator Gordon, that leads me to a question. When you say other revenues, does that include all revenues that the Sweepstakes Commission receives?

SENATOR GORDON: It has nothing to do with the Sweepstakes Commission, only the Liquor Commission.

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, Trombly, Disnard, Roberge, Eaton, Fernald, Squires, Francoeur, Krueger, Brown, Russman, Klemm, Hollingworth, Cohen.

The following Senators voted No: McCarley, Larsen, J. King, D'Allesandro, Wheeler.

Yeas: 18 - Nays: 5

Motion adopted.

Veto override.

June 12, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham County.

It is with regret I have vetoed SB 468. As a state Senator, I voted for the creation of the Family Division Pilot Program, and I believe in the concept. The goals of the Family Division are laudable. Unfortunately, however, the existing pilot program has not been cost neutral, and expanding the family division to additional counties as proposed in this bill will cost even more. According to the Office of Legislative Budget Assistant audit of the Judicial Branch Family Division Pilot Program, dated

January 2000, the existing pilot program in Rockingham and Grafton counties costs \$1.8 million in each of FY 2000 and FY 2001. Although SB 468, which expands the Family Division in the next biennium, does not have a fiscal note, ignoring its costs does not make them go away. Like other bill I have vetoed this session, SB 468 does not include a way to pay for its costs.

The increased services provided by the Family Division have come at an increased cost, and the LBA audit notes that some argue the existing court system could have made similar improvements and offered new services given more resources. Overall, the survey results documented in the LBA audit show no significant differences in levels of satisfaction with the Family Division Pilot Program, District Court or Superior Court.

SB 468 makes no mention of what funds will be used to finance the expansion of the program. Without additional funding, other court services or programs will have to be reduced to pay for the costs of an expanded Family Division program.

Finally, while the program has generally received favorable responses from many regular users of the court system, this positive response is not universal. For example, police departments have expressed concerns about the transfer of all juvenile issues from local courts to the designated family courts. Moreover, there is some concern that the Family Division has created two systems of domestic relations practice within the state, creating conflict within the court system.

For these reasons, I have regretfully vetoed SB 468.

Respectfully submitted,
Jeanne Shaheen
Governor

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes:

The following Senators voted No: F. King, Gordon, Johnson, Fraser, Below, McCarley, Trombly, Disnard, Roberge, Eaton, Fernald, Squires, Francoeur, Larsen, Krueger, Brown, J. King, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

Yeas: 0 - Nays: 22

Senator Russman (Rule #42)

Motion failed.

Veto sustained.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following House Bill:

HB 235-FN-A, increasing exemptions under the interest and dividends tax.

GOVERNOR'S VETO MESSAGE ON HB 235

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 235, An Act increasing exemptions under the interest and dividends tax.

I am vetoing this legislation because it is fiscally irresponsible and because I believe it would make the interest and dividends tax less fair.

If enacted, this legislation would reduce state general fund revenues by a significant amount, beginning July 1, 2002. This bill would cost the state general fund almost \$9 million in the next biennial budget and approximately \$6 million each year thereafter. This legislation provides no way to pay for that loss of revenue. In passing this bill, the legislature failed to designate the state services it would cut to compensate for this loss of revenue or, in the alternative, to pass a new revenue source to pay for its cost. Instead, H.B. 235 leaves the tough decision of figuring out how to make up for this loss of revenue to a future legislature. H.B. 235 is fiscally irresponsible.

H.B. 235 would also make the interest and dividends tax less fair. RSA 77:5 currently provides four categories of exemptions from the interest and dividends tax - a standard exemption for all persons; an additional exemption for those 65 years of age or older; an additional exemption for those who are blind; and an additional exemption for those who are disabled or unable to work. H.B. 235 increases the standard exemption and the additional exemption for those 65 years of age or older - regardless of the overall income level or need of the individual. Inexplicably, H.B. 235 leaves unchanged the exemption level for the blind and the exemption level for the disabled, or those unable to work.

This legislation only benefits those with a significant amount of money invested in accounts that generate interest and/or dividends, and does so regardless of how much income those persons might have from other sources. For example, under H.B. 235 a married couple under 65 years of age with \$200,000 invested in a typical interest-bearing certificate of deposit would obtain a \$60 tax reduction, even if the couple also has \$1 million in income from exercising stock options. In contrast, a widow over 65 years of age with \$75,000 invested in a typical interest-bearing certificate of deposit, and whose only other source of income is Social Security, would obtain absolutely no benefit from H.B. 235.

H.B. 235 provides no benefit to average senior citizens and provides only a minor benefit to even the most wealthy individuals. Yet, the annual cost of this legislation, about \$6 million, is more than twice the amount the State general fund now invests each year in the Meals on Wheels program for senior citizens. It is over three times the amount the State general fund now invests each year in the Veterans' Home. It is over three times the amount the State general fund now invests each year in the Emergency Shelter program.

This legislation is an example of an unfortunate trend in the legislature to pass both tax expenditures and program expenditures outside the biennial budget process. H.B. 235 was pending in the legislature last year when the House and Senate passed the biennial operating budget. This legislation was not conceived this year to deal with a newly discovered problem or emergency. Indeed, similar legislation to this has been introduced repeatedly over the last few years. If the legislature believes that increasing certain exemptions to the interest and dividends tax is a priority, H.B. 235 should have been passed last year and its cost accounted for in the biennial budget. The legislature chose not to do this. Instead, it passed H.B. 235 this year outside the budget process.

I have made it clear for months that I would veto this legislation. I have repeatedly expressed my concerns regarding legislation that would increase expenditures or reduce revenues at a time when we are struggling to find the resources necessary to fund our schools and provide other essential public services. The legislature's continuing refusal to consider the cumulative fiscal impact of individual pieces of legislation is disturbing and unacceptable.

Jeanne Shaheen, Governor

SENATOR FERNALD: I would like to take this opportunity to make my one speech. Other people have done it in other places. I believe that there is a recognition in this state that we have unfair taxation. I think that it is unworthy of this great state. I think that the burden of unfair taxation falls particularly on the elderly. They take a triple hit. We have the highest taxes in the country, and that means people who have property, but not another income, particularly the elderly people, take that hit. We have a legacy and succession tax that obviously weighs on the minds of elderly people. We have an interest and dividends tax that falls disproportionately on the elderly. Forty-five of the people paying this tax are over the age of 65. The members of this Senate, and our counterparts in the House, have recognized this problem and have voted time and again for tax reform. We have voted on these bills. And on the Hager, Below, Fernald plan, we voted for a cut, a plan that would have cut property taxes for homeowners about 50 percent. The governor has fought to kill every tax reform measure that has come before these bodies. The governor is saying that it is irresponsible for us to go forward on these bills. She is saying that tax reform is irresponsible, and that fair taxation is irresponsible, and that unfair taxes are the right thing to do. I do not agree. In the interest of time, I will tell you how I am going to vote on both of these. I am going to vote to override the veto on the legacy and succession tax. I think that it is time to get rid of this unfair tax. I will not vote...I will vote with the governor on the interest and dividends tax. I believe that there are better ways to deal with the unfairness of the interest and dividends tax rather than as stated in this bill. Everyone's mind is on the deficit. We should not overlook why we have a deficit. We have a deficit because we voted to send \$825 million per year to the schools, but we didn't vote to raise \$825 million in revenue. Senator Fred King mentioned HB 117 and the mess that that bill has created. I have tried during these two years to always do what I think is the right thing on every vote that has come up. I must say in retrospect, I regret voting for that bill, and the way that it has created this deficit. I think that we did it under pressure, to keep the schools from closing. We did it with, the perhaps, naïve optimistic idea that we would deal with the deficit this year. But you can't deal with this big of a problem without leadership, and there has been no leadership and the problem has not been dealt with. I have heard it expressed today several times, that the reason why we have a problem is because we haven't come up with a new revenue source for schools. I think that we have misidentified the problem when we put it that way. We went through every tax option last year and it came down to two. Were we going to use a statewide property tax, or a statewide income tax to meet the state's educational obligations? The legislature said that the income tax was the right choice. The governor insisted on a statewide property tax. Because she has the veto power, she won that argument. But, we have a statewide property tax that is not set high enough to actually fund what we have promised to pay. Where the governor picked the tax, she should have the courage to propose an in-

crease in the statewide property tax to fill that deficit, and she has not done that. What she has said is that voting to repeal the legacy and succession tax will increase the deficit. This is not true. It will have no impact until the next budget. So we will not know the overall impact until we make all of our revenue decisions and all of our spending decisions next year. I think that we are making an important statement on this vote. If we vote to sustain the governor's veto, we are saying that this tax, this unfair tax, will be considered, that we might continue using this unfair tax. If we vote to override this veto, we are making a promise that next year, when we are making our spending and revenue decisions, this unfair tax will not be on the table. I think that this is the right thing to do, to vote to override the veto on the legacy and succession. To make a statement to the people of New Hampshire that we are not going to stand for unfair taxation in this state, and that next year, it is going to be the year for tax reform in New Hampshire. Thank you.

SENATOR TROMBLY: Madame President and members of the Senate, I am going to be very brief. I voted for an income tax four times. I never voted against it. The House passed it once and then killed it every other time. The governor never vetoed an income tax, because the simple fact is it never reached her desk. We passed it, they killed it. I am sick and tired of hearing that the income tax is dead because it was opposed by the governor. It never reached her desk. So it might look good on campaign literature, but it ain't a fact. The House killed the income tax, all but one time. We passed it. I think that the record for the Senate needs to be clear on this debate. Jeanne Shaheen never vetoed an income tax.

SENATOR KRUEGER: Senator Trombly, I have a lot of friends, as you do, in the House. It was my understanding, and correct me if I am wrong. That in fact, the governor and her office, exerted all the pressure that she could on members of the House, not to support it so that she would not be in a veto situation. That could be wrong now. This is hearsay and all. I just want to be clear on it. I will also add to my question in the form of a statement, that nobody, except maybe Senator Brown here, in the room, has had a more painful epiphany than myself, relative to the income tax that I certainly now believe is the only sure, fair and right, believe me brutal decision that I have ever made, because of what we are facing today? I just wanted your comment on that.

SENATOR TROMBLY: I think, Senator Krueger, to be perfectly blunt with you, if you had had that epiphany earlier in the year, and convinced your friends in the House that voted against the income tax, to vote for an income tax, then the governor was absolutely no influence over them, because I am certain that you could have convinced your friends to disregard whatever the governor said. So, whatever you could have done then, it didn't happen. I don't know what the governor did in the House. I know what she did here and she let us make up our own minds, quite frankly. She didn't pressure me for or against an income tax. I came in four times voting against it and four times I voted for it. So whatever she did in the House, if she influenced members in the House, that is the House's problem, that is not the governor's problem. Quite frankly, if they voted for it once, they are on record as voting for it once, if they changed their minds, they could have simply said, governor, I voted for it once, I am on record for it, and I am going to stand by it. I don't know what the House does, quite frankly. I have no clue as to what motivates this session of the House to do whatever it does, Senator Krueger. All that I can say is that House voted

only one time, to pass the income tax. We voted, I think, four times over here for it, because I voted four times for it. So whatever they did, they killed it all but one time. They killed it. The vote was over there to kill it, not vetoed by the governor. If they changed their minds, they answer to their people. I don't know what the governor did.

SENATOR KRUEGER: Would you believe that when I did look at the list of people who changed their votes, they weren't people that I was necessarily close too, they might have been people that you might have been close too? I just wanted you to know that.

SENATOR TROMBLY: If I may take from that Senator Krueger, my implication was that if you believe that at that time, an income tax was what we need to do, then if you would have spoken to your friends, whether they voted no the first instance or yes, the first instance encouraged them to change their vote, the vote could have been different, because I know that you are very persuasive in your arguments and very well respected in the House, and in the Senate, I might add.

SENATOR BELOW: On this bill, I will vote to sustain the governor's veto. I don't really like that, because I think that this tax does need reform. In fact, I, and I think the majority of this Senate, have voted to actually repeal it and replace it with a lower rate and a larger exemption as part of the general personal income tax. But be that as it may, I don't think that there is any question of the essential constitutionality of this tax, the fact that it is generally a proportionate and reasonable tax, although I think that as a matter of policy, many people believe that it should not apply just to interest and dividends, that all income should be treated more equitably. But there is certainly this problem with future revenues. The concern about the bond rating. I think that this is a matter that can wait until the next legislative session and be considered as part of a more comprehensive tax reform and therefore, I will not support passing this at this time. Thank you.

SENATOR FERNALD: Just trying to set history straight. I said that the governor worked to kill all tax reform efforts. There are many ways a governor can do that. There is the veto, there is the threat of veto, there is the telephone. She didn't use the first one, but she used the second two to kill the income tax, in the House, that is very clear. Most of the votes that changed were democratic votes. So I just want the record to be clear on that point.

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Roberge, Eaton, Squires, Francoeur, Krueger, Brown.

The following Senators voted No: Below, McCarley, Trombly, Disnard, Fernald, Larsen, J. King, Russman, D'Allesandro, Wheeler, Klemm, Hollingworth, Cohen.

Yeas: 10 - Nays: 13

Motion failed.

Veto sustained.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following House Bill:

HB 542-FN-A, repealing the legacies and succession tax.

GOVERNOR'S VETO MESSAGE ON HB 542-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 542, an Act repealing the legacies and succession tax.

If enacted, this legislation would reduce state general fund revenues by approximately \$25 million the first year it is in effect, the fiscal year beginning July 1, 2001, and then almost \$38 million each year thereafter. Like HB 235, which would have increased exemptions under the state's interest and dividends tax and which I vetoed two weeks ago, this legislation, too, fails to provide a way to pay for its cost.

The annual cost of H.B. 542, about \$38 million, is more than five times the amount spent on home based care programs for the elderly that allow our seniors to remain in their own homes longer and maintain their quality of life. It is nearly four times the amount spent on childcare services which help single parents find good care for their children as they make the sometimes difficult transition from welfare to work. It also is nearly two-thirds the amount we spend on direct care services for citizens with developmental disabilities.

Under New Hampshire law the transfer of wealth at death is subject to state taxation at the rate of 18 percent, with certain exceptions: transfers to spouses, lineal descendants, municipalities, or charitable organizations; and the transfer of a homestead to a sibling who resides in the homestead. Proponents of H.B. 542 persuasively argue that this tax is unfair to those who do not have spouses or lineal descendants to whom they can leave their assets. However, all legislation that costs money must be considered in the context of the state's fiscal situation. It is irresponsible to focus only on the merits of a bill in isolation and not consider its impacts on the state's overall budget picture.

H.B. 542 was pending in the legislature last year when the House and Senate passed the biennial operating budget. The legislature could have made the choice to absorb the cost of paying for H.B. 542 at that time by either cutting state services or increasing another revenue source. The legislature chose not to do so.

The legislature considered and rejected a number of other ways to pay for the cost of this legislation. The legislature rejected the idea of reforming the estate and legacy tax by lowering the rate and applying it to all transfers of wealth. The legislature rejected the idea of paying for H.B. 542 by allowing video lottery at our four racetracks and two grand hotels. It rejected the idea of making the effective date of the repeal contingent on the enactment of a replacement revenue source. It even rejected the idea of phasing in the repeal of this tax over a number of years. All of these options for paying for the cost of this legislation were found unpalatable for one reason or another by the legislature.

Instead, this year the legislature simply amended the bill to put off its effective date until July 1, 2001. It is not an acceptable solution to put off the effective date so that another legislature will have to deal with filling the large revenue gap this bill creates.

On the very day H.B. 542 passed, members of one body conducted a briefing on the state's fiscal status. This same body then turned around and passed H.B. 542 with complete disregard for its fiscal impact.

Casting a vote to repeal a tax is an easy and a politically popular thing to do in an election year. But I believe the governor and the legislature are elected to make hard choices.

If the legislature is unwilling to practice fiscal discipline, I must and I will. While I regret having to veto H.B. 542, I cannot in good conscience approve a bill with this magnitude of fiscal impact.

Jeanne Shaheen, Governor

SENATOR KRUEGER: I will sort of make my remarks sort of packaged up here too, but specifically, in regard to this particular bill, I just want to preface my remarks by saying that at first I thought a little awhile ago, I sort of died and went to heaven, because I was listening to people who had quite emotionally been perturbed at my "extreme fiscal conservative voting record" and particularly on many votes. For example, 825 when we knew that we didn't have the money. Now all of a sudden, we have new friends. I am standing here saying, tax and spend, tax and spend. But I believe this. I am going to tell you why. We have, and I agree with Senator Fernald on his earlier remarks. We have now created a scenario in the state of New Hampshire, that quite frankly discriminates against the elderly. What is it about us? We like the young, we are going to give them kindergarten, we like the school age children, we are going to give them the best education that we have, we even care about teenagers, we are going to give them money to help...we are going to give money to help them avoid the pitfalls of alcohol and drugs. We like people who are in their...the yuppie generation of dot coms now, because we are not going to nail them on some gains taxes. We are not going to repeal that. We are not going to change that. But you know what? I keep thinking about the people who are paying the really high property taxes based on some antiquated theory of what their house could be, should be, ought to be, when they only get \$1100 a month. Now we have the same problem, because who does this affect again? The elderly. I have to tell you, as I am sure that everyone in this room got, many, many calls. But one call, I think about, and I will share with you. It is very brief. A woman called me up and she said, "You know, Senator Krueger, we are very old. Our daughter died many, many years ago at the age of 13 and our son died at the age of 30. We would like to choose who we leave our meager possessions to and not have to have them bear the brunt of this absolutely oppressive tax. What is it with all of you, do you hate us? We served you well. Do you hate us?" I couldn't answer her question. I can't even imagine that we could do this. We saw a 3 percent cut, but I didn't get one call after that 3 percent cut went into effect, of someone saying "Senator Krueger, I have been totally deprived of a state program." "Senator Krueger, they are not going to pave the road on my street or that highway." I didn't hear one complaint. I didn't hear one. I kept a tally of the number of people who called or sent mail regarding this particular bill. This is a large number for me, in the summer, when people are around and not paying as much attention maybe, as they could or should. I got over 162 calls in the city of Manchester. I am sure that my other beloved colleagues from Manchester would agree, that we do have an enormous number of elderly people. I gave you the story last time about helping the woman pack to leave the home she couldn't afford anymore, because she couldn't afford \$4,800 on her property tax. Now I am telling you that this bill affects the exact same people. Look at the date that it will take effect. If you believe what everyone in this room has said, on both sides of the aisle, and I have a tendency to believe everybody...then I would believe Senator Trombly, Senator McCarley and all of these people who, in their

hearts know, there must be revenue sources set up. We must balance the budget. Well then I ask, put this bill on the train. Let's get going **TAPE CHANGE**. Shouldn't we do something? I don't think that this is very big. I am starting to think in terms of millions. I go to the grocery store and it is \$200 and I am thinking, boy that is a bargain. I use to have a fit. We are talking about a lot of people who really care. The other call that stuck in my craw was the woman who lived with her maiden sister her entire life. I know these two sisters. I think they are almost 90, but they swear that they are in their early 70's. I can assure you that they want to leave their possessions, their money, their little bit of their nest egg, to each other. Please help me. Help all of us with this. Do something for the people that begot us all. Thank you.

SENATOR D'ALLESANDRO: I rise and will support to sustain the governor's veto. We talked about fiscal responsibility. This Senate was fiscally responsible. We repealed the legacy and succession tax and we didn't put it off, we repealed it immediately. We also increased the exemptions on the interest and dividends tax. We did that immediately. We doubled the exemptions that were brought to us by the House. We doubled them. So we were responsible. We were more responsible, in fact, that we funded it. We not only funded it, but we funded it, but we funded a reduction in the property tax. We funded monies that went back to the general fund. We came up with a surplus. This passed the Senate. This was not only morally responsible in taking care of those immediately, not putting it off for years, but immediately. It was morally responsible, it was fiscally responsible. What happened? The House wouldn't hear of it. They would not hear of it. As a result, we are being asked to do something that is fiscally irresponsible. I will not succumb to that. The governor said that she would sign our bill. We had a funding mechanism. She said that she would sign our bill. We had her word that she would sign her bill. So we did the right thing. We have an opportunity in the next session to do the right thing. All of the ingredients are in place. If our bond rating is adversely affected by action taken by this body, it not only effects the state of New Hampshire, but it has a ripple effect over all of our communities. And all of our communities are looking to go to the bond market. They are looking to go at a favorable rate. Why? Because we need those monies. We need those monies for school construction. We need those monies to sustain the environment that we have built in our communities. That is a very positive aspect. We have done that. That is in jeopardy. When the bond market reduces your rating, they don't ask you anything about it, they just do it. Conversely, when you want your bond rating raised, you have to go back to them and make a request. They take their time in addressing that request. You are at their mercy. As a result of these facts and others, I will sustain the governor's veto. Thank you so much, Madame President.

SENATOR SQUIRES: I rise to indicate that I will vote to override this veto. We have heard a number of issues here, mostly about timing. "It is the wrong time." "There would be a better time sometime in the future." "We had a better time sometime in the past." The timing argument is difficult to diffuse; however, I am reminded of a statement that Martin Luther King's daughter said at the dinner in Manchester, which is, "It is always the right time to do the right thing." I believe that is the case. I do not remember in the debate on HB 117, a single mention about bond rating. None. If I am wrong, I stand corrected. But we passed that bill and put ourselves into the present position and no one raised a fin-

ger, that I remember. So how is it possible, at this point in time, when suddenly this comes out of the woodwork...this is the major threat of the day, for a bill that has absolutely no bearing on the present deficit whatsoever. This is one of those moments, I think, for some confluence of forces come together, to allow us to actually do something. To take this off of the table for the next year's budget discussion. I already sense that that is going to be difficult and acrimonious and divisive. When there is a revenue source hanging out there, as this is, we will once again, succumb to the problem of the biennium. We do not think out two biennium's, three biennium's, four biennium's, which is the nature, I suspect, of the legislative bodies and the budget process. Occasionally I see something actually edifying on television, and I did so last week. I saw an advertisement for a commercial company and they said that "the greatest risk is to take no risk", and they are right. They are absolutely right. It is a huge risk to sit here and miss an opportunity to help, "it is only a thousand people" as an editorial person said. That is very interesting as an approach. "It is only a thousand people." So since we have 1.2 million people in the state, the super majority wins I suppose. The "only thousand people", continue to experience what every person has said, is the most unequitable, unfair tax in our whole tax structure. This is the moment, this is the time, the greatest risk is to do nothing.

SENATOR MCCARLEY: I wanted to say quickly. I stood up on the first bill. I had no plans to speak on it. All I said was that I "didn't plan to stand up every time", this is one that I had planned to stand up. So...others of you, I heard you say the word "promise" so I am listening for later. Having said that.....I have to respectfully disagree with Senator Squires. While I certainly agree with the statements relative to Martin Luther King. I think that timing is a critical issue. What we are talking about right now is the next biennium. Lest we kid ourselves, we start, as a state government, building a budget now. We have had Capital Budget hearings in terms of building out for the next biennium, now. That budget has to be ready by early February. I am willing to bet that we are not going to have a new revenue source passed by the House and Senate by early February. You are going to have a very difficult time building the budget that we are all then going to have to review. Now I am optimistic that we are going to find a revenue source. For the record, I voted for just about all of them except for the sales tax. I ran last time with no promises for what I would or would not do. So I have felt no obligation in terms of pledges or promises two years ago, and I feel none going for this next time. But I do truly believe that I don't want my hands tied right now, to another \$50-\$60 million that I have to be looking for before I have even figured out a way to find a rate for an income tax or a better tax that we haven't even gotten to yet. I don't want to do that. I worked hard, very hard as many or most of you did, around all of the finance issues. I think that we need to remind ourselves that when we passed HB 117 in April, April 30, I believe, we had another two months to deal with our budget, and deal with that gap. That is where the rubber hit the road, in terms of the will to do something. Many of us tried. Many of us spent some of that summer working on potentially a capital gains tax that might have filled it. Once again, it was not the political will around another tax, potentially whether it is fairer or not, Senator Krueger, I am not going to wonder in. You indicated that maybe a tax on people that had more money. This unfair tax discussion...if I am about to buy a house, and I am right at that max point, I might find the real estate tax incredibly unfair. So I have tried to stay as far away as I can from those because,

on any given day, a tax can be very unfair. I am committed to trying to do something about this tax. I think that it is a very, very difficult tax and a tax that came in when life was different. But I think that to tie our hands now, at this time, and not acknowledge that this is about the next budget cycle, is not understanding what the next budget cycle is all about. It is why going back to SB 153, when you start setting budgets, and you build your revenue streams, and you start reducing from what are generally slight revenue increases in order to...you are setting yourself up. I just think that it is not something that we should be doing right now. Thank you.

SENATOR F. KING: I think that the issue here is that I think that a lot of us here in this room believe that the legislature will be faced with one or two choices when it comes to funding this huge gap that the budget will have next year. The gap is going to be, as we know, \$300 million. The LBA projected that as of July 6, five or six days ago, that the deficit will be \$331 million at the end of 2003. Incidentally, they are projecting the cost to the budget of \$19 million, not the \$30 million that we are hearing in some places, that this legacy tax generates. I think that a lot of us believe that there are two ways to fill this gap. One is with a huge increase in the statewide property tax. The magnitude of between \$9 and \$10. The other alternative is an income tax. But I think that there is a third choice and the governor's commission, which conveniently is going to report back in January their findings, just when you are about to do the budget, is also looking at some splinter tax changes. I would suggest that if the splinter tax approach is taken, that the chances of getting rid of the legacy tax at that time, will be very difficult. I think that an income tax, obviously, would make it easier to adjust the interest and dividends tax and also eliminate the legacy tax. But that politically is not the choice of the next legislature, and you rely on splinter taxes. I would suggest that getting rid of some of these taxes are going to be very difficult, because those splinter taxes probably won't generate the magnitude of money that you are going to need. So I think that if you really believe...and so far, I have heard everybody say that they believe, that the legacy tax is unfair, it is the most unfair tax that the state has, and should be eliminated. I think, today, now, is your best chance of getting the vote to eliminate that tax. I think that it is a real gamble to think that you will come in with one huge tax in the next biennium budget that will help you to get rid of it then. I will remind you again that the tax takes place, becomes effective July 1, 2001. The legislature will have been obligated to already have their budget passed and adopted by that date. You know, historically, you put things off to the next budget, that is the political thing to do. I would think that the thing to do is to pass this today. Force the next legislature to deal with this issue then. To put it off until January and gamble that the votes will be there then, I don't think is a good thing to do.

SENATOR COHEN: Aside from the questions of fiscal responsibility, with regard to the bond rating, which would certainly affect all of the citizens in New Hampshire and their taxes, I really do think that timing is important. It is, as many have said, "everything", really. I would disagree with my colleague from the Great North Woods, that I think that later when there is an alternative revenue replacement mechanism being discussed, and in the mix, that is a better chance to repeal this. We all, I think, want to repeal this. It is a bad tax. It is unfair, and we all know that. I am concerned about pitting elderly against elderly. Here is why: People in my district, which have been hurt by the statewide property

tax, the people most hurt are the elderly, who have been in their homes for 40-50-60 years, and the statewide property tax is through the roof right now. What is the one mechanism that we have to replace this lost revenue? The statewide property tax. So if we have this new cut in our revenue, to benefit one group of elderly, raising the statewide property tax is going to hurt other segments of the elderly population. I don't want to be a party in anyway, in pitting elderly against elderly. I am going to vote to sustain the governor's veto on this bill. I am intending, when we pass a real replacement mechanism, next year, this will be part of it. Eliminating the legacy and succession tax will be part of that package next year. Thank you.

SENATOR GORDON: I rise in support of repealing the infertility tax. The reason that I say that comes from my client. I have this dear lady from the town of Franklin. She is one of ten children. She came from a family of ten kids. All nine of her brothers and sisters have children; unfortunately, God decided that she would be infertile. As a result of that, she has no children to pass her property to. Because of that, what we have decided to do is to tax her infertility. That is apply the legacy and succession tax to any wealth, the meager wealth that she has accumulated during her lifetime. I think that is wrong. I think that is unfair. Why are we taxing infertility? I don't understand that. I don't think that that is good policy for the state of New Hampshire. The question is, should we correct it now or should we wait until some point in time in the future? Again, it comes down to an issue of responsibility. Do you think that it is more responsible to do it now or to do it later? Well this is my fourth term in the legislature as a whole, and I can tell you that I was here during those days when we said, next year or the next session, we will put our decisions in regard to Augenblick off till the next session, because maybe we will be in a better position to do it next time. The fact is, we were never in a better position. I believe that the fact is that we won't be in a better position two years from now to repeal this tax, than we are today. In effect, by passing this, and allowing us to override the governor's veto, what we are doing is we are establishing a policy. We are acknowledging that this infertility tax is unfair and that we want to do something about it, and that we are going to do something about it in the next session. So for that reason, I think that it is the responsible thing to do now. I guess that I understand the issues on the other side. I think that in some ways, they are very compelling, but overall, I guess I have to do what I think is right, when the timing is right, and what I think is fair. I think repealing this tax is the fair thing to do. I don't think God intended for my constituent, just because she was infertile, to then have her property taxed as the result of that. I don't think that is what God intended. It is certainly not what I intend, and that is why I am going to vote the way that I do.

SENATOR LARSEN: I think that everyone in this room recognizes that this tax is the low-down-dirtiest-meanest tax that we have. It starts from ground zero, from what a person owns, and starts to tax from the first dollar. It is not a good tax. It is not a fair tax. We have a lot of unfair taxes. Is it fair that an elderly person pays an interest and dividends tax when they are trying to live on a fixed income, and yet a person with \$200,000 in income from a major corporation pays no taxes. Is that fair? We do not have a system of fair taxes in this state. I am sure that everyone in their heart-of-hearts recognizes that, but we have to be responsible. The reason that I was inspired to stand up and speak on this was in fact the reference that Senator Squires made to our credit rating, and

why didn't we think about our credit rating when we were working on the school funding bill? Well, you know, it is interesting because the \$37 million in projected revenue loss is pretty similar to the very same deficit that we walked out with, knowing that there was a hole in our school funding. It is almost an identical amount. But some of us who left that Committee of Conference table were optimistic enough to think that this group would be fiscally responsible enough to fill that gap before we left this session. We thought that we could find the consensus to fill that gap. Perhaps we were naive. I have been accused of that before, but I am also an optimist. I am an optimist enough to think that we can get this tax eliminated and find the revenue next session. But what we have seen in this session, has been the very thing which I fear for next session, which is that that \$37 million gap, that we might create, if we were to pass this law now, will not in fact, come from new revenues, but that will be made up in service cuts. Service cuts when we know that it is a \$6 million program for Meals on Wheels, imagine what \$37 million in cuts is going to do to some of them which might be considered optional programs, that have to be cut when we don't provide, when we don't have consensus on replacing those revenues. I say that we have to match our cuts, our reductions in revenues, with some other source of revenue. Until we do that, we can't be fair in this state. It is a sad state of affairs, but we have limped along with unfair taxes and nickeling and diming this state through fees and promoting liquor sales and all other sorts of revenue that we can find, and our real issue is, are we going to find that consensus next session? It truly is an issue that must be addressed next session, and we cannot support the passage of this bill at this time. Thanks.

SENATOR RUSSMAN: I rise in order to sustain the governor's veto. One of the prior speakers talked in terms of he didn't think that God had intended this tax. I wasn't aware that God had really intended any tax, although I thought...I realized that there was a pretty heavy extraction with Adam and Eve when they took the apple as far as taxes go. So I guess maybe there was some divine plan as far as the tax structure does go. In any event, I, too, had thought about overriding the veto. I thought, gee, it is election year, it would probably be pretty popular, it is an unfair tax, and it would probably make sense. It would be an easy thing to do. Then I happened to read an editorial in one of the better newspapers in the southern part of the state, the "Eagle Tribune" and that editorial...that newspaper is owned by the Roger's Company, the Roger's family for many, many years. It is a family out of North Andover, Massachusetts. An old time Republican family that likes to see taxes cut. Part of their editorial said, "We agree with lawmakers of the state that the inheritance tax is unfairly high and the 18 percent tax is the third highest in the country, but this is simply not the time to cut taxes. Until state lawmakers, with or without the governor, come up with a plan that will permanently eliminate the state's education funding crisis, they should not be cutting taxes, to do so is fiscally irresponsible." I called Jeff, the New Hampshire editor for the paper and talked with him about that. I told him that after thinking about it and reading his editorial a couple of times, and after talking with him, that people can change opinions by editorial writing. I told him that he was right. I told him that I was probably going to take the easy way out and voting what would have been politically expedient to do, and it certainly can justify for those of us who want to justify on either side, but, clearly, if you are in a hole you stop digging. That is just what we are doing here. Certainly, I would hope that in the future we can do something to eliminate this tax, and

at the same time, for those who in this state practice, unless you leave it to your mother, father, sons and daughters, they are taxed as well, so we are not doing anything about that, it isn't like people are free to leave the money wherever they want, unless they are qualified charities, there is a heavy tax burden in that respect. Let's be realistic here and do what really needs to be done in terms of that. At this point, if we cannot cut the expenses, certainly we need to keep the revenues where they are. I would support the veto.

SENATOR BELOW: I rise in support of overriding the veto. Fiscal responsibility cannot stand on the shoulders of an unjust tax. Fiscal responsibility cannot stand on the shoulders of a tax that does not meet our constitutional requirement, that taxes be "proportional, reasonable and just". The threshold question is does this tax meet the constitutional requirement? As the court reminded us two years ago, the language of our constitution commands that taxes be no less than fair proportional and reasonable. Now some might say why do we need to answer that question if somebody thinks the tax is unconstitutional, they can litigate it to the Supreme Court of this state. We are the General Court. In the first instance, it is our responsibility to make that judgement, under the constitution. It is our responsibility as lawmakers, to judge whether this tax meets the constitutional threshold as a "fair, just, proportional and reasonable tax." There is another reason why we should make this judgement here today. That is by putting it off, we invite that litigation. We invite someone to challenge this tax. If it is found unconstitutional, we risk not only future revenue, but a refund of past revenues on this tax. The current annual report for the state of New Hampshire has a footnote on page 49 on the interest and dividends tax referencing a case. A case that was appealed to the United States Supreme Court, that found the way that we operated our interest and dividend tax to be unconstitutional. That issue is still playing out, but the footnote in our annual report says that the "state is potentially subject to \$98.3 million in refunds, plus interest." We could find ourselves in the same situation with this tax. The responsible thing to do, the constitutionally responsible thing to do, if we do not believe that this is a proportional and reasonable tax, is to act now to repeal it, at the earliest date, which is fiscally responsible. We did amend this bill to say "not upon passage of this bill will this be repealed." But at the start of the next biennium, at the start...to give us time to adjust the budget, to adjust our other revenues to accommodate the impact of the repeal of this tax. I hope that you will indulge me for a minute. I just feel like I have to get this off of my chest and into the record because this question is so fundamental. What is a constitutional tax? I just want to quote briefly, from a few earlier Supreme Court decisions. From 1880, "The unconstitutionality of unequal taxation is too plainly declared by our constitution and too well settled by repeated decisions made during the last 53 years to be debatable. A disproportional, unequal assessment so far as it is disproportional and unequal is an act, not of taxation, but of confiscation destitute of that element of equal rights, which under our constitution is an essential part of the definition of law. Equality is the cornerstone of every just and wholesome system of taxation. Every departure from this principle, no matter what the pretext may be, shifts upon one class a share of the burden of taxation that belongs to another." In *State v. Express*, again in 1880, the court pointed out that the true constitutional idea and basis of taxation is equality and justice that each person and his estate shall bear his proportional and reasonable share of the public burdens. The idea of

proportional and reasonable or just and equal taxation, is founded on the declaration in the Bill of Rights that every member of the community is bound to contribute his share of the expense necessary to the protection of his property.... The unconstitutionality of an unequal division of public expense among New Hampshire taxpayers has been settled too long, and by too many decisions to be the subject of debate or doubt. Immunity from an unequal division of public expense is reserved in the Bill of Rights, which according to the testimony of its makers, contains the essential principles of the constitution, is the foundation on which the whole political fabric is reared, and is consequently a most important part thereof." This question comes before all others, whether this is good policy or bad policy. Whether it is advisable now or in the future, whether it is going to affect our bond rating or not, the threshold question is it a constitutional tax in our judgement? The court went on to point out, "that the right of acquiring and possessing property is constitutionally reserved by our Bill of Rights, Article II. That private property can be taken by the tax power, collecting equally from all joint purchasers of public benefits the share of the price due from them. That anyone's nonpayment of his share becomes the debt of his neighbors, which is no longer a tax, but a compulsory gift of their money for private use." Finally, more recently, in 1906, in the case of *Thompson v. Kidder*, who specifically was looking at an inheritance tax. The court said, "The power to impose an inheritance tax is clear." We had just amended our constitution to allow that. "But it must be exercised so far as possible, in accordance with all other provisions of the constitution. It must be an equal tax **TAPE CHANGE** in answering that, we heard lots of testimony. We know that this tax applies to only about a quarter of the estates. It plies from dollar zero at a high rate. Three quarters of the population is exempted. One person whose estate may be subject to this tax wrote, "I moved to New Hampshire 30 years ago with my husband. We were unable to have children and therefore became teachers. Our nieces and nephews became our family. My husband died of cancer in 1992. I did remarry in 1997 to a retired New Hampshire teacher. I love New Hampshire, but I will leave it if 18 percent of my meager estate must go, not to my nieces and nephews, but to the state. Life was a bit unfair to me, not being able to have children, but life can't be changed. The New Hampshire inheritance tax is also unfair to me, but it can be changed. Please don't make it necessary for me to leave the home that I love because I live in a state that actually punishes and penalizes me for my inability to have children." The language of our constitution commands that taxes be no less than fair, proportional and reasonable. In your hearts, ask yourself, is this a just, proportional and reasonable tax? If you cannot answer yes to that, then we should act responsible, under the constitution, to repeal it as soon as possible. I share the concern of many. I know that it is a weighty concern about the potential impact on our bond rating and the future cost of that. I will commit myself, if this body acts to override the governor's veto, to move immediately to suspend the rules to allow an introduction of a bill, today, that will increase the statewide property tax by 30 cents in the next biennium. Thirty-cents of a broad base tax would pay for the lost revenue from this in the next biennium. Thirty-cents. You might ask, why didn't I propose this sooner, it doesn't sound like it would be that bad? The answer is, that in private conversations with many members and with the governor, that the message was clear, that even a small increase in the statewide property tax was a nonstarter. But if the concern now is the risk for the bond rat-

ing, let's do that today. Let's repeal this unjust, highly discriminatory, disproportionate, unreasonable tax and move ahead towards our responsibility to ensure that we have a tax system based on the concept that everyone should pay their fair share, and we should not ask any class of taxpayers or any taxpayers to pay more than their fair and just share. Thank you.

SENATOR BROWN: Senator Below covered part of what I wanted to say so I will be shorter. I would like you to consider that every tax that you pay comes out of your income. Every single tax. I don't care if it is the telecommunications tax, a tax on gas, any tax that you pay, your property tax comes out of income. It is not a farfetched notion that the people who wrote our constitution wanted taxes that were not only proportional and reasonable, but wholesome. Back in 1784 in the first New Hampshire constitutional period, this is what they said about taxes. "Whereas it is necessary, there should be an equitable rule established by law, for making rates and taxes within the state, so that every person may be compelled to pay in proportion to his income." They didn't have W2 forms 200 years ago. They didn't have what we have today for income. They had property. I hear a lot of talk about who is responsible and who is irresponsible. I think that we are all responsible. I am wondering what is the definition of "responsible". It seems to me that it is irresponsible to take money, unfairly, from any of our citizens. Especially from a narrow percent of our citizens who can't stop us at the voting booths. This bill has been worked on for four years, at least, that I am aware of. They are this close to realizing their goal. It passed the House, it passed the Senate, and it came over from an Override of the Veto, and here it is down to us, the moment of truth. I want you to ask yourself, is it responsible? Is it reasonable to tax people unfairly? Thank you.

SENATOR F. KING: I just want to set the record straight. I have been thinking about what Senator Squires said about just hearing about this issue today. I want the record to show that I am at least one Senator who has been talking about the bond rating for years, not months. When I first chaired a special education committee for then, Senate President, Delahunt, we started to talk about that as a result of the testimony that we received from Georgie Thomas. She made it very clear that if the state did not act promptly to find a suitable and sustainable source of revenue, that our bond rating is at risk. If you check the record, a rather extensive record of our most recent special committee, you will also find that to be the case. So this should not come as any surprise to anyone today, or else I slept through the last four years of my life, and I don't think that I did, although probably you all wished that I did. I would just refer to one sentence in the most recent letter that I have been just looking at that the treasurer sent to the Senate President. She says, "In particular, I fear that a legislative override of the veto would create a perception of fiscal instability." If the bonds...if the people who make the decision to not have a perception of fiscal instability, then when they look at a deficit of some \$50 million in this biennium and \$300 million or more in this next biennium, then they have been sleeping too. I would suggest that this represents about 10 percent of the deficit that we are looking at, based on the LBA's numbers. I think that this may be the straw that breaks the camel's back. I am surprised that the camel didn't die a long time ago.

SENATOR FERNALD: I wasn't going to speak, but I changed my mind. We have been talking about the next biennium. Are we going to have

difficulty with the budget next biennium? Of course we are. We always have trouble with budgets in New Hampshire. If we repeal this tax, is it going to make the job a little more difficult. Yes it will. But this is really the question that we are facing today. Are we going to balance the budget next year on the backs of childless people? If you vote to sustain this veto, you are saying yes. If you vote to override this veto, you are saying no. That is the question.

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes: F. King, Gordon, Johnson, Below, Disnard, Roberge, Eaton, Fernald, Squires, Francoeur, Krueger, Brown.

The following Senators voted No: Fraser, McCarley, Trombly, Larsen, J. King, Russman, D'Allesandro, Wheeler, Klemm, Cohen.

Yeas: 12 - Nays: 10

Motion failed.

Veto sustained.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following House Bill:

HB 648-FN, relative to a sludge testing program.

GOVERNOR'S VETO MESSAGE ON HB 648

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 648, an Act relative to a sludge testing program.

If enacted, this legislation would transfer up to \$85,000 from state environmental grant payments to municipalities to fund an expanded random sludge testing program at 30 municipal wastewater treatment facilities. While I do not disagree with the intent of the bill and the interest of its supporters in ensuring that all sludge intended for land application meets applicable standards, I do disagree with the manner in which these funds are being appropriated for this purpose.

HB 648 proposes to fund an expanded sludge testing program in FY 2001 through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Rather, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

Like other bills I have vetoed this session, HB 648 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. If the legislature believes that funding for this program is a priority, its \$85,000 annual cost should have been included in the current biennial budget and its costs accounted for during the budget process.

I have repeatedly expressed my concerns about legislation that would increase expenditures or decrease revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 648 must be considered in the context of our overall budget constraints. For these reasons, I have vetoed HB 648.

Jeanne Shaheen, Governor

SENATOR BELOW: This bill and the next one concerning sludge testing, I urge a vote to override the veto. I think that they are very legitimate concerns about the potential impact of sludge application. I think that the best way that we can make better informed decisions in the next legislative session is to go ahead and improve our testing so that we know what is being put on the land, and then we can make the decisions that we need to make based on improved information. The cost of this is less than one percent of the projected deficit in the current biennium. The question is, is that a make or break question compared to the potential public health impacts. I think that we should move ahead and pass these two bills.

SENATOR FERNALD: I will also vote for an override on this bill. We have had a lengthy debate in this body over sludge and its effect, and whether we should tighten the regulations. This testing program is very important to whatever legislative action that we may take next year. My understanding that this random testing that has been funded for one year, and this would extend to another year, has been testing sludge from both instate and out-of-state, that is being spread on our land. It has revealed that in particular, sludge that is coming in from out-of-state, is more heavily contaminated with heavy metals and other problem elements that should not be in sludge that is spread on land. We are getting essential information from this testing and we are being pennywise and pound foolish if we do not go forward with the testing program that is already yielding results that will be important to legislative action next year. Thank you.

SENATOR TROMBLY: Madame President, you were the chair of the Finance Committee weren't you? If this veto is sustained, is there any rule or regulation or law that prevents the Department of Environmental Services from trying to find this money somewhere else in their budget, and to continue this testing?

SENATOR HOLLINGWORTH: There is no reason why they couldn't try to find resources elsewhere.

SENATOR TROMBLY: Thank you.

SENATOR FERNALD: Senator Trombly, what sofa cushions are we going to look under for this \$85,000?

SENATOR TROMBLY: Well you know, Senator Fernald, I think that is a very good question. Because I supported the Land Community Heritage Program and I was debating how we were going to fund that. Then the Speaker found \$3 million somewhere. I have served in the legislature, Senator Fernald, this is my 18th year. I have been absolutely amazed at where governors, speakers and Senate presidents, and commissioners, find money to do things. Matter of fact, I remember sitting on a Committee of Conference in 1995 and Commissioner Flynn came in and he had enough money to build a warehouse. I didn't know that money was there, but he got the warehouse, and that came in. So all I am saying...my point is, Senator Fernald, that I think that you made some good points relative to this, but in terms of sustaining the veto, I don't think that it is absolutely fatal, and that the discussion that the money can't come from somewhere...that it may not go forward if you sustain the veto, but the money may come from somewhere.

SENATOR RUSSMAN: **TAPE INAUDIBLE** at the same time, the communities want this testing to go on. This bill and the next bill, the communities have sought this out and are eager to have it. Certainly I think that we ought to pass the bills and override the veto.

SENATOR F. KING: I wanted to rise to help Senator Trombly with his recollection. I think that you will find that Commissioner Flynn found that in the trailer bill. That is where he found his money. It was money in the trailer bill, it wasn't in petty cash.

SENATOR TROMBLY: He knew it was there. You can't find something when you don't know where it is.

SENATOR BELOW: Two observations. One is, this bill does not create a new appropriation. This is essentially, money under the sofa. It is a transfer of funds that would otherwise lapse. That is the issue. If it lapsed, it might reduce the deficit. But it is not a new appropriation. It does not increase our budget. That is where other money would come from if they are going to fund it. It would be money that might otherwise lapse. I think that the bill is necessary to allow this to happen, because it specifically creates the authority for the testing program. It creates a fee to be paid by sludge quality certificate holders, and, creates the duty for the onsite inspections and establishes the procedure for the testing. I am not sure that without this framework, that they are going to be able to do it, even if they got a grant from some other source.

SENATOR FERNALD: I just wanted to respond to what Senator Trombly said when he said that "they will find the money somewhere if they think that it is important." From what I have seen in this body, in the last two years, I am not sure that the Department of Environmental Services considers this particularly important, so I am not sure that they are going to look. And of course, that commission ultimately reports to the governor, who obviously has indicated with her veto, that she doesn't consider it a priority, so I don't think that she is going to be looking very hard for the money. We need to make a statement as a legislature that we consider this important so that it will happen.

SENATOR GORDON: I just wanted to say that I represent a number of municipalities. Many of them have contacted me in support of this bill. They feel that it is important to go forward and I don't want to go back to them and simply tell them that we have decided not to pass this as a matter of policy, nor appropriate the funds. Simply what we have done, we have told the department to go back and find the money under the sofa. So I think that it is important. I would like to see us override the veto.

SENATOR KRUEGER: I will be very brief. I would like to address both bills, this one and the one to follow. That now that I have come across as queen of tax and spend I also want to get the honorary award from the Sierra Club and I have never been held too much in their high esteem, so I just want to say that I obviously support these two, because from my perspective, I am hoping that the results come out one way. I am sure that people on the Environment Committee as Senator Russman, oh, he has left the room, so he can't even believe...he is just so pleased that I have become a convert to the environment. I really hope that we can do this. There is a lot of money that is out there that we can obviously transfer into this. On this bill and the other one, we lose a UNH Grant. Please let's find out the truth.

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, Roberge, Eaton, Fernald, Squires, Francoeur, Krueger, Brown, Russman, Klemm.

The following Senators voted No: McCarley, Trombly, Disnard, Larsen, D'Allesandro, Wheeler, Cohen.

Yeas: 14 - Nays: 7

Senator J. King, (Rule #42).

Motion adopted.

Veto override.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following House Bill:

HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

GOVERNOR'S VETO MESSAGE ON HB 1343-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1343, an Act appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

If enacted, this legislation would transfer \$20,000 in unused FY 2000 funds from state environmental grant payments to municipalities for this research effort. While I do not disagree with the intent of the bill and the interest of its sponsors in supporting additional research on the impacts of applying sludge at reclamation sites, I do disagree with the manner in which these funds are being appropriated for this purpose.

Like other bills I have vetoed this session, HB 1343 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. These bills exacerbate the financial concerns we face. If the legislature believes that funding for this research effort is a priority, this \$20,000 should have been included in the biennial budget and its costs accounted for during the budget process.

This legislation, if enacted, would be funded through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 1343 must be considered in the context of our overall budget constraints. With regret, I must veto HB 1343.

Jeanne Shaheen, Governor

SENATOR FERNALD: We overrode the veto. Congratulations. Let's do it again. This is another sludge testing bill. It was my understanding that this \$20,000 comes out of the \$85 million, although I am not positive on that, but that is what I have been told.

Question is notwithstanding the governor's veto, shall the bill pass?

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, Roberge, Eaton, Fernald, Squires, Francoeur, Krueger, Brown, Russman, Klemm.

The following Senators voted No: McCarley, Trombly, Larsen, D'Allesandro, Wheeler, Hollingworth, Cohen.

Yeas: 14 - Nays: 7

Paired Votes: Senators Disnard and Pignatelli.

Senator J. King (Rule #42).

Veto override.

Recess.

Out of Recess.

SENATOR TROMBLY (RULE #44): I know what hairsplitting is, because lawyers are accused of it all the time. But I know what the balance of powers are too. The veto override and the veto act itself, is an exercise of democracy. When we pass a piece of legislation through the House and the Senate, and the governor vetoes it, that is a very specific check on our power. The ability to override that veto, is the exercise of the people's power to check what the governor did to the legislature. I think that based on some of the comments, some people may feel that what I am doing through this exercise appears to be splitting hairs, but it is not. If we don't know, as a legislature, and if the people's bodies don't know what counts or what number needs to be reached, Lord knows what shenanigans some future governor can do relative to those numbers, through his or her supporters in the Senate. By some going and some pairing or some not voting, or Lord knows whatever the governor can do. I think that it is absolutely crucial in this exercise of democracy, for us to understand exactly what those words mean. We need to know what present and voting means, so that we can preserve our independence and our integrity as a Senate and a coequal branch, not only with the House, but with the governor. That is why I want to do what I am doing. Thank you.

SENATOR BELOW (RULE #44): This is just an observation that under Article 37, Part II of the Constitution, it says that "the Senate shall appoint their president and other officers, and determine their own rules of proceedings." I think that the question here is where it is not clear on the face, whether a pair is a vote, that we are interpreting our own rules to determine whether that is counted as a vote or not. That seems within the constitution to be our prerogative unless of course, on the face of it, the court said that it is really a vote, and you can say it is not by saying it is not in the rule. So there is a legitimate question, but it is just an observation that I think that we need to declare. I understand the ruling of the chair is that a pair is not a vote because it is not counted as a vote and therefore, it is not considered a vote. Thank you.

Recess.

Out of Recess.

Senator Cohen made a motion to challenge the Chair on HB 1343.

Recess.

Out of Recess.

Question is on upholding the ruling of the Chair.

The following Senators voted Yes: F. King, Gordon, Johnson, Fraser, Below, McCarley, Roberge, Eaton, Fernald, Squires, Francoeur, Larsen, Krueger, Brown, J. King, Russman, D'Allesandro, Klemm, Cohen.

The following Senators voted No: Trombly, Disnard, Wheeler.

Yeas: 19 - Nays: 3

Motion adopted.

Override is upheld.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following House Bill:

HB 1548-FN, abolishing the death penalty.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following House Bill:

HB 1406, relative to transition service.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following House Bill:

HB 1251, relative to driver education training reimbursement.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following House Bill:

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following House Bill:

HB 628, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

RESOLUTION

Senator Cohen moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time.

Adopted.

Late Session

ANNOUNCEMENTS**RESOLUTION**

Senator Cohen moved that the Senate now adjourn to the Call of the Chair.

Adopted.

Adjourned to the Call of the Chair.

July 13, 2000

The Senate met at 9:00 a.m.

A quorum was present.

The prayer was offered by Reverend Dr. Robert de Wetter, Senate Guest Chaplain.

Dear Lord, final arbitrator of our epitaphs, we pray that You will be with us this difficult day. We ask that You come into our midst and guide the process in which we are about to engage. Lead us to integrity and help us to remember that human beings are always on the receiving end of our actions and comments. Be with us as we pursue justice and our collective passion for doing the right thing. And at the end of the day help us to reach conclusions that reflect Your will for the peoples of this state.

Amen

Senator Fraser led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Senate Bill:

SB 153, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

HOUSE MESSAGE

Pursuant of Part II, Article 17 of the New Hampshire Constitution, the House of Representatives, this day, July 12, 2000, has adopted four articles of impeachment against David A. Brock, Chief Justice of the New Hampshire Supreme Court.

The Speaker has appointed:

REPRESENTATIVES: Henry Mock
Janet Wall
Loren Jean
John Pratt
Phyllis Woods
James Craig

As managers to appear before the honorable Senate in the name of the people of the state of New Hampshire to exhibit to the Senate said articles of impeachment against David A. Brock.

2000 SESSION

00-2841
09/01

HOUSE RESOLUTION

51

A RESOLUTION recommending impeachment of supreme court chief justice David A. Brock.

SPONSORS: Judiciary Committee

COMMITTEE: [committee]

ANALYSIS

This resolution recommends that articles of impeachment be brought against supreme court chief justice David A. Brock.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

A RESOLUTION recommending impeachment of supreme court chief justice David A. Brock.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the house adopt the following resolution relative to chief justice David A. Brock; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found, by clear and convincing evidence, that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether David A. Brock, chief justice of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumerated in the articles of impeachment below, each of which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:

ARTICLE I

During the period beginning on or about March 1, 1987 and ending on or about November 5, 1987, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Home Gas Corp. v. Strafford Fuels, Inc. and Edward C. Dupont ("Home Gas"). Specifically, chief justice Brock engaged in the following improper conduct:

1. Chief justice Brock placed a telephone call to superior court judge Douglas Gray, who was presiding over the case. During that conversation the chief justice inquired about the status of the case and informed judge Gray that Mr. Dupont was a state senator.

2. Chief justice Brock failed to report said telephone call to his colleagues on the supreme court at the time the court had the appeal of "Home Gas" under consideration.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

ARTICLE II

On or about February 4, 2000, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Thayer v. Thayer, a divorce case in which W. Stephen Thayer, III, then a justice of the supreme court, was a party. Specifically, chief justice Brock engaged in the following improper conduct:

1. On February 4, 2000, chief justice Brock engaged in ex parte communications with justice Thayer and with the other justices, all of

whom had been recused, in which he solicited their comments regarding superior court judges to be appointed to the supreme court panel that would hear the appeal of the trial court's judgment.

2. On February 4, 2000, chief justice Brock participated in an ex parte communication with justice Thayer in the hallway outside the court's conference room in which the chief justice discussed possible appointments to the supreme court panel that would hear the appeal of the trial court's judgment.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

ARTICLE III

Chief justice David A. Brock did knowingly testify falsely under oath to the house judiciary committee, with the intention of hindering the HR 50 investigation, with respect to the following material matters:

1. On May 19, 2000, he testified that he did not know whether or not a March 3, 2000 letter from his attorney had been sent to the attorney general's office.

2. On May 19, 2000, he testified that he did not have certain documents relating to the "Home Gas" investigation when in fact he did have those documents and had reviewed them within a few days before giving testimony.

3. On May 19, 2000, and on June 23, 2000, he testified that on February 4 he did not have a conversation in the hallway outside the supreme court conference room with justice Thayer.

4. On May 19, 2000, and on June 23, 2000, he testified that he did not make a telephone call to superior court judge Douglas Gray concerning the Home Gas case.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

ARTICLE IV

During the period beginning with his appointment as chief justice, on or about October 4, 1986, and continuing until on or about April 1, 2000, chief justice Brock engaged in conduct that constituted the impeachable offense of maladministration by permitting and overseeing a practice whereby recused and disqualified justices were permitted to receive draft opinions and to attend case conferences, thereby enabling them to comment on and influence opinions in the cases from which they were recused and disqualified.

RESOLUTION

Senator Cohen moved that the Senate now adjourn for the express purpose of constituting itself as a court of impeachment to hear, try and determine the articles of impeachment made by the House in Resolution 51.

Adopted.

Adjournment.

SENATE JOURNAL

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The index on the pages immediately following refers to bills and resolutions by number. Some of the subjects are in amendments rather than the original bills. Other subject matter is referenced to page numbers. The numerical index following this index gives page references to all amendments and action on numbered bills and resolutions.

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Mount Kearsarge telecommunications tower advisory committee,

- review and alternatives to existing tower SB 132

MTBE

- and other gasoline additives, comparative risks, study extended HB 1414
- gasoline containing, sale prohibited SB 71

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- public water supply, voluntary testing HB 1569
- regional gasoline with less or no MTBE and elimination of oxygenate requirement, EPA and Congressional action urged HJR 24

- Municipal budget law**, limitation on appropriations not recommended by budget committee, override procedure HB 521

Municipal economic development and revitalization districts

- bond payment schedules and percentages HB 226
- tax increments and tax rates, method of determining HB 1146

- Municipal finance act**, bonds or notes, 3/5 vote required SB 365

Murder

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- motor vehicle offenses, vehicular manslaughter added SB 439
- negligent homicide, ignition interlock device may be required for restoration of license SB 436
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- Mutual funds**, securities offerings, filing fees for combined prospectus SB 11

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- Names**, prisoners, parolees, probationers, and sex offenders required to register, name change restrictions, petitions SB 355

- Nashua**, proposed toll booths eliminated SB 387
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- National Board of Professional Teaching Standards** certification, assistance for teachers seeking SB 432

National forests, White Mountain National Forest

- budgetary and administrative changes urged to continue multiple use tradition SJR 1
- president's plan which removes tracts of land from the timber base opposed HCR 25

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- preservation, land and community heritage investment program SB 401
- smart growth a policy of the state HB 1259

- Navy**, anniversary of founding, proclamation by governor HB 1149

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- exposure of health care workers to infectious materials by needle sticks, advisory council, duties HB 1244
- pilot exchange program extended SB 322
- sales, prescription required for minors only; safe disposal and information on drug addiction treatment; schools exempted from law, "inject" removed from drug paraphernalia law HB 427

New England

- interstate water pollution control commission, mandatory appointment of health and human services commissioner removed HB 1287am
- states and New York, urged to cooperate to ensure reasonably priced prescription drugs SCR 5

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- business investment fund, established by business finance authority; qualified investment capital companies may invest SB 222
- Civil War memorials commission**, construction and maintenance of monuments and memorials HB 1368
- flag design revised SB 423
- foundation for mental health repealed HB 1337
- health and education facilities authority may be allocated portion of private activity bonds SB 425
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New Hampshire Bar Association, membership by attorneys
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Nottingham, Pawtuckaway cooperative high school district with
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Old Ipswich road, Rindge, exchange of certain land to allow relocation HB 1627

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Pharmacists , prescriptions required for sale of hypodermic syringes to minors only; safe disposal and information on drug addiction treatment; schools exempted from law prohibiting sales except by pharmacies	HB 427
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Plaistow district court, design appropriation, lapse date extended	HB 417am
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Planning office, state,

- boundary adjustments of regional planning commissions,
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- personal wireless service facilities, map; model ordinances; rulemaking HB 733
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- duties to control; advisory committee HB 1258

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- Port of Portsmouth expansion
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Portsmouth

- commercial fishing pier, jurisdiction transferred from DRED to
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- River Street rip-rap project in Seabrook included HB 1259am
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Postal service, new zip code for Madbury urged SCR 4**Postsecondary education commission**

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Poultry products, inspection authority of agriculture department,

- applicability HB 310

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- between Litchfield and Merrimack HB 1614

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- assault on corrections personnel by propelling bodily fluids, penalty HB 1382
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 - state policy; need for standards, study HB 1589am
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 - guardianship proxies HB 723
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- name change restrictions for prisoners, persons on parole or probation,
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- juvenile services officers, title changed to juvenile probation and
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- probationers
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 - times changed HB 1202
- hardship relief, application to estate planning trusts clarified;
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- death of assisted person, cremation paid for by town or county HB 1541
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 - study extended SB 342
- from another state, period subtracted from eligibility in NH SB 84
- Medicaid reimbursement rate set for children's dental care SB 134
- parents as scholars program, postsecondary education assistance to
 - certain parents of dependent children SB 208
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- policy and definitions changed; grievance procedures strengthened;
 - unfair labor practices clarified SB 202
- teacher's grievance for failure to be renominated not subject
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- escrow of utility payments under certain circumstances HB 314am
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to supervise divestiture of electric generation assets; any sale to be in-state	HB 1470
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- partition of real property by probate court, procedures SB 185am
- practice act, various amendments; qualifications for licensure;
 - supervision of office; prohibited conduct SB 226
- sales, residential property disclosure statements, paragraph
 - encouraging purchasers to check on registered sexual offenders residing in the area SB 343
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- transfers, inventory of property transfers, filing not required for
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Reapportionment, Alexandria, desire of Senate SR 15**Recordings**, digital, general court committee proceedings, study HB 730**Records**

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- history check, health care employees SB 391
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 - license applicants SB 337
- history check, school districts, procedure; crimes added;
 - confidentiality maintained HB 304
- history check, school employees and volunteers, procedure; felony
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- sexual offenders registration date changed; statewide availability
 - of information to the public; failure to register, penalty HB 522
- state police criminal record reports, warrants for civil or criminal
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- financing statements under uniform conditional sales law, destruction,
 - times changed SB 378
- medical, privacy of information, study SB 369
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 - bulk distribution, express consent of each person required SB 439am
 - release, express consent of individual required; penalties for
 - violations HB 1620
 - public, local government records management trust, study HB 1151
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- expenditure of legacies and gifts authorized; transfer of funds
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- nonlapsing account, use to offset emergency financial circumstances SB 392
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 - appointing presidents of the system SB 470

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- commissions, status as governmental units; consultation required for
 - change of boundaries; short-term debt; registration of motor vehicles HB 1294

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Rent-to-own agreements , advertising provision changed	HB 422
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Sawyer House at Daniel Webster birthplace, renovation appropriation	HB 86
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Revenue administration department	
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Ricky Ray Hemophilia Relief Fund Act , for HIV victims, Congress urged to fully fund	HJR 20
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criminal record checks, attempt to purchase when subject to protective order, penalty	HB 1494
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Right to die , physician assisted suicide	SB 44
Right to farm , presumption that agricultural uses are permitted; a purpose of zoning is to preserve agriculture	HB 97
Right to know law , impact of changing methodology of communications and information technology, study	HB 1435
Rindge , land exchange between Cambridge Boy Scout Camp, Inc. and town for highway purposes	HB 1627
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Road rules (*cont.*)

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implied consent, alcohol concentration tests, presence of person who conducted breath test at hearings	HB 1130
offenders under age 21, license revocation for one year for certain offenses	HB 1131
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reckless driving, penalty increased	HB 713am
seat belt requirement, exemption for passengers riding in parades	SB 354
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Rockingham county , family division of the courts established	SB 468
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Roll calls

SB 44, relative to physician aid-in-dying for certain persons suffering from a terminal condition. Question, order to third reading. Yeas, 2; Nays 22	96
Question, adopt motion of inexpedient to legislate. Yeas, 19; Nays, 5	96
SB 132, requiring the removal of the telecommunications tower on Mount Kearsarge. Question, remove from table. Yeas, 12; Nays, 9	346
Question, adopt floor amendment. Yeas, 17; Nays, 6	577
SB 144, relative to qualifications for members of the fish and game commission. Question, adopt motion of inexpedient to legislate. Yeas, 18; Nays, 4	44
SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. Question, pass over governor's veto. Yeas, 18; Nays, 5	1221
SB 203-FN-A-L, authorizing electronic games of chance at racetracks. Question, adopt motion to lay on table. Yeas, 18; Nays, 5	156
SB 219-FN-L, establishing a procedure for providing educational improvement assistance to local school districts. Question, order to third reading. Yeas, 12; Nays, 12	75
Question, adopt motion of inexpedient to legislate. Yeas, 12; Nays, 12 ...	76
Question, lay on table. Yeas, 13; Nays, 11	76
SB 307, relative to biosolids. Question, adopt committee amendment. Yeas, 13; Nays, 9	408
Question, order to third reading. Yeas, 14; Nays, 9	408
SB 322, extending the needle exchange pilot program. Question, adopt motion of ought to pass. Yeas, 14; Nays, 10	434
SB 323, relative to certificate of need applicants. Question, adopt committee amendment. Yeas, 13; Nays, 9	438
SB 329, relative to the display of tobacco products. Question, adopt floor amendment. Yeas, 12; Nays, 11	678
SB 337, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance. Question, adopt committee amendment. Yeas, 16; Nays, 7	301
SB 361, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. Question, adopt motion of ought to pass. Yeas, 4; Nays, 20	329
SB 365-L, relative to the adoption of bonds or notes in certain school districts and municipalities. Question, adopt committee amendment. Yeas, 16; Nays, 8	236-237
SB 373-FN, directing the public water access advisory board to prepare a report relating to the types of public access and recreational uses appropriate to different types of public bodies of water. Question, adopt committee amendment. Yeas, 8; Nays, 14	413

Roll calls (*cont.*)

SB 379-FN, relative to lottery scratch tickets. Question, adopt motion of ought to pass. Yeas, 15; Nays, 8	495-496
SB 399-FN-A, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. Question, order to third reading. Yeas, 24; Nays, 0	507
SB 401-FN-A-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. Question, order to third reading. Yeas, 24; Nays, 0	564
Question, concur with House amendment. Yeas, 23; Nays, 0	1014
SB 405-FN-A-L, relative to greyhound racing. Question, adopt committee amendment. Yeas, 4; Nays, 19	470
SB 409-FN, relative to health insurance coverage of qualified clinical trials. Question, adopt motion of order to third reading. Yeas, 22; Nays, 2	322
SB 419-FN, establishing the crime of negligent storage of a firearm. Question, adopt floor amendment. Yeas, 12; Nays, 12	341
Question, adopt motion of order to third reading. Yeas, 13; Nays, 11	341
Question, concur with House amendment. Yeas, 12; Nays, 11	1025
SB 427-FN, banning the sale or transfer of "Saturday night specials". Question, adopt motion of inexpedient to legislate. Yeas, 21; Nays, 2	342
SB 430-FN-A, authorizing the sweepstakes commission to allow electronic bingo games. Question, lay on table. Yeas, 10; Nays, 12	347
Question, adopt committee report of inexpedient to legislate. Yeas, 19; Nays, 4	347
SB 447-FN, relative to campaign contributions and expenditures. Question, adopt motion of order to third reading. Yeas, 15; Nays, 9	331-332
SB 459, relative to underinsured motorists. Question, order to third reading. Yeas, 11; Nays, 11	612
Question, adopt motion of ought to pass. Yeas, 15; Nays, 7	668
SB 466, relative to lot rent increases at manufactured housing parks. Question, adopt motion of interim study. Yeas, 18; Nays, 5	751
SB 468, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. Question, pass over governor's veto. Yeas, 0; Nays, 22	1222
SB 472, relative to final authorization of electric rate reduction financing and commission action. Question, adopt committee amendment. Yeas, 21; Nays, 2	747
Question, adopt conference committee report. Yeas, 21; Nays, 2	1163
SR 14, relative to heating oil prices and the state match requirement for the federal Weatherization Program. Question, adopt the resolution. Yeas, 23; Nays, 0	474
HB 235-FN-A, increasing exemptions under the interest and dividends tax. Question, substitute ought to pass for inexpedient to legislate. Yeas, 13; Nays, 9	345
Question, adopt floor amendment. Yeas, 15; Nays, 8	346
Question, pass over governor's veto. Yeas, 10; Nays, 13	1226
HB 366, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person. Question, adopt motion of ought to pass. Yeas, 10; Nays, 12	31
Question, adopt motion of inexpedient to legislate. Yeas, 12; Nays, 10 ...	31
HB 522, relative to the public's access to sex offender registry information. Question, adopt motion of order to third reading. Yeas, 13; Nays, 6	614
HB 542-FN-A, repealing the legacies and successions tax. Question, adopt motion to lay on table. Yeas, 12; Nays, 11	155
Question, lay on table. Yeas, 9; Nays, 14	511
Question, ought to pass. Yeas, 15; Nays, 8	514
Question, adopt motion of Special Order. Yeas, 12; Nays, 11	514-515
Question, adopt floor amendment. Yeas, 12; Nays, 11	557-558
Question, lay on table. Yeas, 11; Nays, 12	558

Roll calls (*cont.*)

Question, adopt Trombly floor amendment. Yeas, 7; Nays, 16	931
Question, adopt Below floor amendment. Yeas, 16; Nays, 7	935
Question, adopt Trombly floor amendment. Yeas, 8; Nays, 15	936
Question, adopt F. King floor amendment. Yeas, 11; Nays, 11	957
Question, order to third reading. Yeas, 18; Nays, 5	957
Question, pass over governor's veto. Yeas, 12; Nays, 10	1237
HB 628, relative to the relocation of the principal residence of a child. Question, adopt conference committee report. Yeas, 18; Nays, 6	1177
HB 648-FN, relative to a sludge testing program. Question, pass over governor's veto. Yeas, 14; Nays, 7	1239-1240
HB 690-FN-L, relative to charter schools and open enrollment districts. Question, adopt motion of ought to pass. Yeas, 12; Nays, 12	60
HB 1240, requiring insurers to make prompt payments. Question, adopt floor amendment. Yeas, 11; Nays, 12	878
HB 1241, relative to third person liability under the workers' compensation law. Question, adopt committee report of ought to pass. Yeas, 10; Nays, 11	1010
HB 1253, establishing a 4-year term for the commissioner of the department of corrections. Question, substitute ought to pass for inexpedient to legislate. Yeas, 8; Nays, 13	703
HB 1342-FN, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge. Question, adopt motion of ought to pass. Yeas, 8; Nays, 13	1012
HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. Question, pass over governor's veto. Yeas, 14; Nays, 7	1240-1241
Question, uphold ruling of the chair. Yeas, 19; Nays, 3	1242
HB 1410, relative to the joint health council. Question, lay on table. Yeas, 15; Nays, 8	654
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HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Question, adopt committee report of inexpedient to legislate. Yeas, 18; Nays, 6	831
HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board. Question, adopt motion of ought to pass. Yeas, 11; Nays, 10	975
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HB 1531, relative to the preemption of local regulations of firearms. Question, substitute interim study for ought to pass with amendment. Yeas, 19; Nays, 4	928
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HCR 24, relative to integration of people with disabilities. Question, adopt motion of order to third reading. Yeas, 24; Nays, 0	656-657
HJR 25, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled experimental cultivation of industrial hemp in New Hampshire. Question, adopt motion of ought to pass. Yeas, 9; Nays, 12	609

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The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
Cap Budget	referred to Capital Budget committee
Com	re-referred to committee
conc	concurred
conf	conference committee
Econ Dev	referred to Economic Development committee
enr	enrolled
Finance	referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn, withdrew, withdrawal

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- SB 76-LOCAL**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. (Ways and Means)
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- SB 96**, relative to pre-approval of payment of medical services by workers' compensation insurers. (Insurance)
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- SB 132**, requiring the removal of the telecommunications tower on Mount Kearsarge. (Environment)
New title: requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.
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- SB 147**, relative to self-referrals for chiropractic care under managed care organizations. (Insurance)
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- SB 153 -FN-A**, requiring that a percentage of gross revenues from liquor sales be placed into and continually appropriated to a special fund for alcohol education and abuse prevention programs. (Ways and Means)
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- SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. (Insurance)
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 conc H am 46, enr 51 (Chapter 2)
- SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. (Education)
New title: establishing a Parents as Teachers program in Sullivan county and making an appropriation therefor.
 conc H am 590, enr am 680, enr 757 (Chapter 140)
- SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. (Public Institutions, Health and Human Services)
First new title: relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide.
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- SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. (Environment)
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 am & Finance 21-24, psd 151, 170, H study 1020
- SB 185**, relative to property settlements in cases where certain domestic relationships have terminated. (Judiciary)
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- SB 186-FN**, relative to additional cost of living adjustments for certain retired group II firemen. (Insurance)
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 nonconc H am, conf 52-53, 225, rep adop 630-632, 681, enr 727 (Chapter 120)
- SB 196**, relative to electric rate reduction financing. (Energy and Economic Development)
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- SB 203**, authorizing electronic games of chance at racetracks. (Finance)
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- SB 205-FN**, expanding medical coverage to pay dental assistance for adults on Medicaid. (Insurance)
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- SB 206**, establishing the tobacco use prevention fund and continually appropriating a special fund and relative to the health care fund. (Public Institutions, Health and Human Services)
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- SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers. (Education)
 H nonconc 16
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 H nonconc 16
- SB 210-FN-LOCAL**, relative to payment by the state for certain court-ordered placements of special education students. (Education)
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- SB 216-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. (Insurance)
 H nonconc 16
- SB 218**, regulating the land application of sewage sludge. (Environment)
 LT 80-81, 476, K 1014
- SB 219-FN-L**, establishing a procedure for providing educational improvement assistance to local school districts. (Education)
New title: establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor.
 am & LT (3 RCs) 61-76, am 173-174, psd 202, H nonconc 759
- SB 222-FN-A-LOCAL**, relative to guarantee of loans to local development organizations. (Internal Affairs)
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- SB 225-FN**, relative to a pharmaceutical program for low income individuals. (Public Institutions, Health and Human Services)
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- SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. (Executive Departments and Administration)
 rcmt 25-26, am 81-83, psd 170, nonconc H am, conf 1035-1036, rep adop 1132, 1133-1134, enr am 1188, enr 1204 (Chapter 311)
- SB 228-FN**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. (Insurance)
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 2, K 372
- SB 301**, relative to prohibiting the department of resources and economic development from selling to or making leases with certain entities on state park or state forest lands without prior approval by the general court. (Sen. Fernald, Dist 11; Sen. Cohen, Dist 24: Internal Affairs)
 2, K 266

- SB 302**, relative to certain employment requirements for liquor licensees. (Sen. Below, Dist 5: Ways and Means)
2, psd 382-383, 389, conc H am 1031, enr 1205 (Chapter 253)
- SB 303**, relative to campaign contributions by corporations. (Sen. Below, Dist 5 et al: Executive Departments and Administration)
New title: relative to campaign contributions by business organizations.
2, com changed 46, am 281-283, psd 312, nonconc H am, conf 1025-1028 (no report filed)
- SB 304-LOCAL**, relative to emergency meetings in towns and school districts. (Sen. Russman, Dist 19: Public Affairs)
2, K 141
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2, psd 273, 312, H conc 758, enr 815 (Chapter 155)
- SB 306**, relative to landlord access to a tenant's premises. (Sen. Johnson, Dist 3; Sen. Disnard, Dist 8: Public Affairs)
2, study 428
- SB 307**, relative to biosolids. (Sen. Johnson, Dist 3: Environment)
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2, am (2 RCs) 401-408, psd 475, H conc 684, enr 727 (Chapter 121)
- SB 308**, relative to the adoption of a minor child by the natural grandparents. (Sen. Gordon, Dist 2; Rep. Wood, Bel 7: Judiciary)
First New title: relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties.
Second new title: relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.
3, am 372-373, psd 389, conc H am 1029, enr am 1181, enr 1206 (Chapter 254)
- SB 309**, relative to the criteria for awarding or modifying alimony. (Sen. Disnard, Dist 8: Judiciary)
3, K 273
- SB 310**, relative to New Hampshire state-chartered banks. (Sen. Fraser, Dist 4 et al: Banks)
New title: relative to New Hampshire state-chartered banks and interstate banking.
3, am 347-351, psd 389, H conc 822, enr 1085 (Chapter 236)
- SB 311**, relative to the recovery of public assistance. (Sen. J. King, Dist 18: Public Institutions, Health and Human Services)
3, am 430-431, psd 475, conc H am 715, enr 815 (Chapter 156)
- SB 312**, relative to fluoride. (Sen. Wheeler, Dist 21 et al: Public Affairs)
3, psd 380, 389, H nonconc 759
- SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Sen. Wheeler, Dist 21 et al: Education)
3, am 127-128, psd 170, H conc 625, enr am 680-681, enr 726 (Chapter 122)
- SB 314**, establishing a committee to study the feasibility of driver education programs by correspondence schools. (Sen. J. King, Dist 18; Rep. Stritch, Rock 5: Transportation)
3, psd 147-148, 170, H nonconc 477
- SB 315**, changing the form for writs of execution. (Sen. Fernald, Dist 11 et al: Judiciary)
3, am 274, psd 312, conc H am 812, enr 825 (Chapter 191)
- SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. (Sen. Fraser, Dist 4: Insurance)
3, psd 361-362, 389, H conc 822, enr 1021 (Chapter 206)
- SB 317**, allowing driver education correspondence courses to be accepted and approved by the department of safety. (Sen. Krueger, Dist 16 et al: Transportation)
3, K 148

- SB 318-FN**, relative to proposed joint maintenance agreements. (Sen. Fraser, Dist 4: Education)
3, psd 174-175, 202, H conc 822, enr am 1058, enr 1085 (Chapter 215)
- SB 319**, relative to interstate school districts. (Sen. Gordon, Dist 2: Education)
3, psd 128, 170, H conc 625, enr 680 (Chapter 98)
- SB 320**, relative to ballot counting in cooperative school districts. (Sen. Krueger, Dist 16 et al: Education)
First new title: relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000.
Second new title: relative to ratifying the Inter-Lakes Cooperative School district meeting held on March 8, 2000; and relative to ratifying the Plainfield School district annual meeting held on March 10, 2000.
3, am 230-231, psd 312, conc H am 716, enr 757 (Chapter 141)
- SB 321**, relative to a pupil's right to learn. (Sen. Krueger, Dist 16: Education)
3, K 231
- SB 322**, extending the needle exchange pilot program. (Sen. Trombly, Dist 7 et al: Public Institutions, Health and Human Services)
4, psd (RC) 431-434, 475, H conc 685, enr 727 (Chapter 123)
- SB 323**, relative to certificate of need applicants. (Sen. Squires, Dist 12: Public Institutions, Health and Human Services)
New title: relative to ambulatory surgical facilities in service areas of rural hospitals.
4, am (RC) 434-444, psd 475, nonconc H am, conf 1036-1037, rep adop 1132, 1134-1137, enr 1204 (Chapter 312)
- SB 324**, relative to personal care services and providers. (Sen. F. King, Dist 1: Public Institutions, Health and Human Services)
4, am 444-449, psd 475, conc H am 1033, enr 1205 (Chapter 255)
- SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. (Sen. Gordon, Dist 2: Public Institutions, Health and Human Services)
New title: relative to denial, revocation or suspension of a childcare provider license, permit or registration for certain felony convictions.
4, psd 177, 202, conc H am 716, enr 815 (Chapter 157)
- SB 326**, eliminating the joint health council. (Sen. Krueger, Dist 16 et al: Public Institutions, Health and Human Services)
New title: relative to the joint health council.
4, am 453-456, psd 475, nonconc H am, conf 1073-1074, rep adop 1132, 1137 (unable to agree)
- SB 327**, relative to responsibility of the employee and perjury under workers' compensation. (Sen. Fraser, Dist 4; Rep. Daniels, Hil 13: Insurance)
4, psd 205-206, 220, conc H am 716, enr 815 (Chapter 158)
- SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. (Sen. Disnard, Dist 8; Rep. Abbott, Rock 19: Wildlife and Recreation)
New title: making corrections to statutory references in certain fish and game laws.
4, psd 178-179, 202, conc H am 1032, enr 1205 (Chapter 256)
- SB 329**, relative to the display of tobacco products. (Sen. Squires, Dist 12 et al: Public Affairs)
4, LT 283-285, 476, am (RC) 671-678, psd 682, H rej intro & remarks 1078
- SB 330**, establishing a committee to study the impact of water withdrawals on instream flows. (Sen. Russman, Dist 19 et al: Environment)
New title: establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.
4, am 243-244, psd 312, conc H am 1030-1031, enr 1207 (Chapter 242)

- SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. (Sen. Russman, Dist 19 et al: Environment)
4, psd 130-131, 170, H conc 591, enr 592 (Chapter 64)
- SB 332**, relative to risk-based capital for health organizations. (Sen. Fraser, Dist 4 et al: Insurance)
4, psd 206, 220, H conc 822, enr 1021 (Chapter 207)
- SB 333**, relative to signs for churches. (Sen. Roberge, Dist 9; Rep. Rowe, Hil 14: Transportation)
5, am 148-149, psd 170, H conc 591, enr 592 (Chapter 65)
- SB 334**, relative to credit unemployment insurance. (Sen. Fraser, Dist 4: Insurance)
5, psd 206, 220, H conc 1019, enr am 1083-1084, enr 1207 (Chapter 243)
- SB 335**, allowing physicians to make a report when a person is unfit to drive a motor vehicle. (Sen. Pignatelli, Dist 13 et al: Transportation)
5, am 149-151, psd 170, H study 823
- SB 336**, relative to the issuance of fire permits. (Sen. Trombly, Dist 7 et al: Public Affairs)
5, psd 176, 202, H conc 591, enr 592 (Chapter 66)
- SB 337-FN**, requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance. (Sen. Roberge, Dist 9; Rep. Bradley, Car 8: Transportation)
First new title: requiring any person applying for or renewing a driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.
Second new title: requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations.
5, am & Finance (RC) 296-301, LT 418-419, 496-505, am, Finance, rules suspended & psd 668-671, psd 682, H nonconc 824
- SB 338**, relative to trustee process. (Sen. Gordon, Dist 2 et al: Judiciary)
5, psd 206-207, recon & LT 210, am 307-311, psd 312, conc H am 1032-1033, enr 1205 (Chapter 257)
- SB 339-FN**, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth, and making an appropriation therefor. (Sen. Cohen, Dist 24 et al: Transportation)
New title: relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth.
5, Finance 211, am 248-249, psd 312, H conc 685, enr 726 (Chapter 124)
- SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. (Sen. Larsen, Dist 15 et al: Environment)
5, psd 131, 170, H conc 758, enr 815 (Chapter 159)
- SB 341**, extending the reporting date of the committee to study the licensure of radiographers and radiologic technologists. (Sen. Wheeler, Dist 21 et al: Public Institutions, Health and Human Services)
New title: extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists.
5, am 145-146, psd 171, H conc 477, enr 484 (Chapter 49)
- SB 342**, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. (Sen. D'Allesandro, Dist 20: Public Institutions, Health and Human Services)
5, psd 146, 171, H nonconc 477
- SB 343**, relative to disclosures concerning sexual offenders in sales of real property. (Sen. Klemm, Dist 22; Rep. Clegg, Hil 23: Judiciary)
5, am 274-275, psd 312, H nonconc 759

- SB 344**, relative to appointment of housing consumers to housing authority boards. (Sen. Cohen, Dist 24 et al: Public Affairs)
6, psd 176-177, 202, H conc 758, enr 815 (Chapter 160)
- SB 345**, relative to real estate transfers. (Sen. Gordon, Dist 2: Executive Departments and Administration)
6, am 205, psd 221, H nonconc 824
- SB 346**, relative to court appearances by certain business owners. (Sen. D'Allesandro, Dist 20: Judiciary)
6, am 207-208, psd 221, H nonconc 759
- SB 347-LOCAL**, relative to the contributory retirement system of the city of Manchester. (Sen. D'Allesandro, Dist 20: Public Affairs)
6, psd 285, 312, H nonconc 759
- SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Sen. Johnson, Dist 3 et al: Transportation)
6, psd 151, 171, H conc 395, enr 394 (Chapter 29)
- SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding. (Sen. Roberge, Dist 9; Sen. Brown, Dist 17: Judiciary)
New title: relative to the sale of the marital residence in a domestic proceeding.
6, LT 275-276, am 383-384, psd 389, conc H am 1033, enr 1205 (Chapter 258)
- SB 350**, adding business development to the law governing industrial development authorities. (Sen. F. King, Dist 1 et al: Energy and Economic Development)
6, psd 129-130, 171, H conc 758, enr 815 (Chapter 161)
- SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations. (Sen. Fraser, Dist 4 et al: Insurance)
6, psd 138, 171, H conc 758, enr 815 (Chapter 162)
- SB 352**, repealing the equipment challenge grant program within the New Hampshire community-technical colleges. (Sen. Johnson, Dist 3: Education)
6, psd 129, 171, H conc 625, enr 680 (Chapter 99)
- SB 353**, relative to sales of insurance by financial institutions. (Sen. Fraser, Dist 4: Insurance)
6, com changed 81, am 351-353, psd 389, nonconc H am, conf 1037, rep adop 1132, 1137-1138, enr am 1201-1202, enr 1204 (Chapter 313)
- SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. (Sen. Gordon, Dist 2: Transportation)
6, am 211-212, psd 221, H conc & enr 395 (Chapter 19)
- SB 355**, relative to name changes for criminal offenders. (Sen. Gordon, Dist 2: Judiciary)
6, psd 208, 221, H conc 478, enr 483 (Chapter 50)
- SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission. (Sen. Disnard, Dist 8 et al: Wildlife and Recreation)
6, psd 151, 171, H conc 395, enr 393 (Chapter 30)
- SB 357**, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect. (Sen. Gordon, Dist. 2; Sen. Wheeler, Dist. 21: Public Institutions, Health and Human Services)
7, am 146-147, psd 171, conc H am 486, enr 592 (Chapter 67)
- SB 358**, relative to court reporting services. (Sen. Gordon, Dist 2; Sen. Pignatelli, Dist 13: Judiciary)
7, psd 208, 221, H conc 1019, enr 1084 (Chapter 216)
- SB 359**, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire. (Sen. Fraser, Dist 4: Executive Departments and Administration)
7, psd 578, 593, H nonconc 824
- SB 360**, adopting a pupil safety and violence prevention act. (Sen. Trombly, Dist 7 et al: Education)
7, am 487-489, psd 515, conc H am 812, enr 825 (Chapter 190)

- SB 361**, authorizing citizen suits to assure enforcement of New Hampshire's environmental statutes. (Sen. Russman, Dist 19 et al: Judiciary)
7, K (RC) 322-329
- SB 362**, relative to the length of buses and single unit vehicles. (Sen. F. King, Dist 1 et al: Transportation)
7, psd 178, 202, H conc 395, enr 393 (Chapter 31)
- SB 363**, relative to the sale of malt beverages. (Sen. Gordon, Dist 2: Ways and Means)
New title: relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.
7, psd 212, 221, conc H am 1023, enr 1205 (Chapter 259)
- SB 364**, relative to benefits for permanent bodily losses under workers' compensation. (Sen. Gordon, Dist 2 et al: Insurance)
7, am 362, psd 389, H conc 685, enr 727 (Chapter 125)
- SB 365-LOCAL**, relative to the adoption of bonds or notes in certain school districts and municipalities. (Sen. Krueger, Dist 16 et al: Education)
New title: relative to the adoption of bonds or notes in school districts and municipalities.
7, am (RC) & LT 231-237, 476, K 1014
- SB 366-FN**, requiring an external financial audit of the university system of New Hampshire when the university system requests an appropriation that exceeds the prior appropriation by more than one percent. (Sen. Krueger, Dist 16 et al: Education)
7, K 203-204
- SB 367**, establishing a prescription drug access study committee. (Sen. Hollingworth, Dist. 23 et al: Public Institutions, Health and Human Services)
7, psd 177, 202, H conc 822, enr 1021 (Chapter 208)
- SB 368**, relative to insurance fraud. (Sen. Francoeur, Dist 14; Rep. Kenney, Car 6: Insurance)
8, psd 138, 171, conc H am 1023, enr 1205 (Chapter 260)
- SB 369**, establishing a committee to conduct a study on the need for standards to protect health information privacy. (Sen. Wheeler, Dist 21 et al: Insurance)
8, am 138-139, psd 171, H nonconc 759
- SB 370**, relative to reflectors on bicycle pedals. (Sen. Larsen, Dist 15: Wildlife and Recreation)
8, am 217-218, psd 221, H conc 685, enr 727 (Chapter 126)
- SB 371-FN**, relative to staffing of state police vehicles patrolling highways at night. (Sen. Trombly, Dist 7: Transportation)
8, K 301
- SB 372**, relative to certain engineering businesses. (Sen. Hollingworth, Dist 23: Executive Departments and Administration)
8, am 137, psd 171, conc H am 716, enr 1205 (Chapter 163)
- SB 373-FN**, directing the public water access advisory board to prepare a report relating to the types of public access and recreational uses appropriate to different types of public bodies of water. (Sen. Wheeler, Dist 21 et al: Environment)
8, K (RC) 408-413
- SB 374**, establishing a committee to study growth expansion and regional planning laws. (Sen. Trombly, Dist 7 et al: Energy and Economic Development)
New title: relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl.
8, am 358-359, psd 389, H nonconc 684
- SB 375**, relative to motor vehicle dealerships. (Sen. F. King, Dist 1; Rep. Taylor, Str 11: Transportation)
8, am 301-304, psd 313, conc H am 1029, enr 1205 (Chapter 261)
- SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages. (Sen. Disnard, Dist 8; Rep. Guay, Coos 6: Energy and Economic Development)

New title: relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.
8, psd 130, 171, conc H am 812, enr am 818-819, enr 825 (Chapter 164)

SB 377, relative to peer support programs within the department of health and human services. (Sen. F. King, Dist 1; Rep. P. Dowling, Rock 13: Public Institutions, Health and Human Services)
8, psd 177-178, 202, H conc 625, enr 680 (Chapter 100)

SB 378, relative to Article 9 of the Uniform Commercial Code. (Sen. Gordon, Dist 2: Executive Departments and Administration)
8, psd 244, 313, conc H am 1029, enr 1205 (Chapter 262)

SB 379-FN, relative to lottery scratch tickets. (Sen. Klemm, Dist. 22 et al: Ways and Means)
8, LT 212-213, 476, psd (RC) 495-496, 515, H conc 1019, enr 1084 (Chapter 217)

SB 380-FN-A, relative to improvements to South Fruit Street and Industrial Drive at the New Hampshire state hospital campus in the city of Concord and making an appropriation therefor. (Sen. Larsen, Dist 15 et al: Capital Budget)

New title: relative to the availability of matching funds for improvements to South Fruit Street at Industrial Drive in the city of Concord.
8, am & Finance 399-400, LT 580-581, K 1014

SB 381-FN, relative to registration fees for off-highway recreation vehicles. (Sen. Below, Dist 5 et al: Transportation)

New title: relative to registration fees for off-highway recreational vehicles.
9, psd 212, 221, H conc 591, enr am 599-600, enr 626 (Chapter 85)

SB 382, relative to appeals of release or detention orders. (Sen. Russman, Dist 19 et al: Judiciary)
9, am 208-209, psd 221, H conc 478, enr 483 (Chapter 51)

SB 383, requiring managed care organizations and the department of health and human services to pay health care providers in a timely manner. (Sen. Pignatelli, Dist 13 et al: Public Institutions, Health and Human Services)

New title: requiring the department of health and human services and insurers to make prompt payments.
9, am 456-460, psd 475, conc H am 1031, enr am 1182, enr 1205 (Chapter 314)

SB 384, establishing a committee to study pretreatment programs for reducing pollutant levels in sewage sludge. (Sen. Wheeler, Dist 21 et al: Environment)

New title: establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge.
9, am 131-132, psd 171, H study 685

SB 385-LOCAL, relative to fees for copies of checklists. (Sen. Trombly, Dist 7: Public Affairs)
9, K 141

SB 386-FN-LOCAL, relative to names on birth certificates and affidavits of paternity. (Sen. Gordon, Dist 2: Judiciary)
9, am 276-277, psd 313, H conc 758, enr 815 (Chapter 165)

SB 387-FN-LOCAL, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system. (Sen. Pignatelli, Dist 13 et al: Transportation)

9, Finance 304-305, psd 419-420, 475, H study 685

SB 388-FN-LOCAL, assessing a surcharge on waste disposed at solid waste landfills and incinerators. (Sen. Russman, Dist 19 et al: Environment)
9, K 244

SB 389-FN, relative to medical benefits for group II members of the retirement system. (Sen. J. King, Dist 18 et al: Insurance)

First new title: relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

Second new title: relative to medical benefits for group II members of the retirement system.

9, am 362-366, psd 389, conc H am 1030, enr 1205 (Chapter 263)

- SB 390-FN**, relative to vested deferred retirement benefits for group II members. (Sen. J. King, Dist 18; Rep. Dyer, Hil 8: Insurance)
9, am & Finance 139-140, psd 176, 202, H conc 685, enr 727 (Chapter 127)
- SB 391-FN**, relative to criminal background checks for health care workers. (Sen. F. King, Dist 1: Public Institutions, Health and Human Services)
10, K 460-461
- SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges. (Sen. Johnson, Dist 3: Education)
10, psd 129, 171, H conc 822, enr 1021 (Chapter 209)
- SB 393**, relative to single producer licensing. (Sen. Fraser, Dist 4; Rep. Francoeur, Rock 22: Insurance)
10, am 250-265, psd 313, conc H am 1030, enr am 1182-1183, enr 1205 (Chapter 315)
- SB 394-FN**, making miscellaneous changes in the insurance laws. (Sen. Fraser, Dist 4: Insurance)
10, psd 366-367, 389, conc H am 717, enr 815 (Chapter 166)
- SB 395-FN-LOCAL**, relative to creditable service for eligibility by retired teachers for payment of medical benefits. (Sen. Squires, Dist 12; Sen. Russman, Dist 19: Insurance)
10, study 265
- SB 396-FN-A-LOCAL**, assessing a fee on water withdrawn for commercial purposes from water supply sources in the state and establishing a public water supply land protection fund. (Sen. Russman, Dist 19 et al: Environment)
10, study 413-414
- SB 397-FN-A-LOCAL**, making an appropriation from the education trust fund for certain alternative kindergarten programs. (Sen. McCarley, Dist 6 et al: Education)
First new title: making an appropriation from the education trust fund for public kindergarten programs.
Second new title: making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.
10, am & Finance 356-357, am 420-422, psd 475, conc H am 1028-1029, enr 1207 (Chapter 244)
- SB 398-FN**, relative to public boat access on Lake Sunapee. (Sen. Disnard, Dist 8 et al: Transportation)
10, com changed 16, K 471
- SB 399-FN-A**, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. (Sen. Trombly, Dist 7 et al: Wildlife and Recreation)
10, am & Finance 306-307, LT 422, am (RC) 505-507, psd 515, H study 823
- SB 400-LOCAL**, relative to access to emergency medical and trauma services. (Sen. Trombly, Dist 7: Public Institutions, Health and Human Services)
New title: relative to emergency medical and trauma services.
10, am 461-462, psd 475, H nonconc 681
- SB 401-FN-A-LOCAL**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Sen. Russman, Dist 19 et al: Environment)
10, am & Cap Budget 132-136, Finance 356, am (RC) 558-564, psd 593, conc H am (RC) 1012-1014, enr am 1083, enr 1207 (Chapter 245)
- SB 402-FN**, relative to employee reimbursement for work-related expenses. (Sen. Gordon, Dist 2: Public Affairs)
11, am 141-145, psd 171, conc H am 717, enr 815 (Chapter 167)
- SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. (Sen. Disnard, Dist 8 et al: Finance)
11, am 176, psd 202, nonconc H am, conf 718, 758, rep adop 1132, 1138, enr 1206 (Chapter 270)

- SB 404-FN**, relative to costs in utility proceedings. (Sen. D'Allesandro, Dist 20: Executive Departments and Administration)
11, K 244-245
- SB 405-FN-A-LOCAL**, relative to greyhound racing. (Sen. Wheeler, Dist 21; Sen. Roberge, Dist 9: Ways and Means)
11, K (RC) 463-470
- SB 406-FN-LOCAL**, clarifying water pollution control restrictions. (Sen. Wheeler, Dist 21; Sen. Cohen, Dist 24: Environment)
New title: prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies.
11, LT 414-417, am 588-590, psd 594, H nonconc 824
- SB 407-FN-LOCAL**, relative to dog licensure. (Sen. Wheeler, Dist 21 et al: Public Affairs)
11, psd 145, 171, H conc 685, enr 707 (Chapter 128)
- SB 408**, relative to an animal owner's right to choose animal care. (Sen. Wheeler, Dist 21 et al: Executive Departments and Administration)
New title: establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.
11, am 360-361, psd 389, H study 685
- SB 409-FN**, relative to health insurance coverage of qualified clinical trials. (Sen. Wheeler, Dist 21 et al: Insurance)
New title: relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.
11, am (RC) 317-322, psd 389, conc H am 1022, enr am 1183, enr 1206 (Chapter 264)
- SB 410-FN-LOCAL**, relative to payment for overtime by salaried employees. (Sen. Trombly, Dist 7: Internal Affairs)
11, K 141
- SB 411-FN**, establishing the New Hampshire returnable beverage container law. (Sen. Fernald, Dist 11 et al: Ways and Means)
11, com changed 15, study 417-418
- SB 412-FN**, adopting the "Court Integrity and Attorney's Independence Act." (Sen. Roberge, Dist 9 et al: Judiciary)
11, K 373
- SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Sen. Wheeler, Dist 21 et al: Judiciary)
11, Finance 374, psd 581, 594, conc H am 1022, enr am 1183-1184, enr 1206 (Chapter 265)
- SB 414-FN**, reorganizing the divisions of the department of corrections. (Sen. F. King, Dist 1: Executive Departments and Administration)
11, Finance 175, am 249, psd 313, H study 685
- SB 415-FN-LOCAL**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Sen. Klemm, Dist 22 et al: Insurance)
12, am 367-371, psd 389, conc H am 1029-1030, enr 1206 (Chapter 266)
- SB 416-FN**, relative to licensure of dietitians. (Sen. D'Allesandro, Dist 20 et al: Executive Departments and Administration)
12, am 245-246, psd 313, conc H am 717, enr 815 (Chapter 168)
- SB 417-FN-LOCAL**, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. (Sen. Gordon, Dist 2: Insurance)
12, am 140-141, psd 171, H conc 685, enr 727 (Chapter 129)
- SB 418**, relative to liquor liability insurance coverage. (Sen. Gordon, Dist 2: Judiciary)
12, am 277, psd 313, H study 758
- SB 419-FN**, establishing the crime of negligent storage of a firearm. (Sen. Cohen, Dist 24 et al: Judiciary)
12, am (2 RCs) 332-341, psd 390, conc H am (RC) 1024-1025, enr 1206 (Chapter 267)
- SB 420-FN**, increasing the penalty for cruelty to animals taking place in front of children. (Sen. Cohen, Dist 24 et al: Judiciary)

New title: increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening.

12, am 374-376, psd 390, H nonconc 759

SB 421-FN-A, establishing a child day care program credit against the business profits tax. (Sen. Larsen, Dist 15 et al: Ways and Means)

New title: establishing a child day care program credit against the business profits tax and the business enterprise tax.

12, am 213-215, psd 221, H study 1020

SB 422-FN, relative to the housing security guarantee loan program. (Sen. D'Allesandro, Dist 20; Rep. Konys, Hil 33: Public Institutions, Health and Human Services)

12, psd 209-210, 221, conc H am 1022, enr am 1184, enr 1205 (Chapter 316)

SB 423-FN-LOCAL, relative to the New Hampshire state flag. (Sen. D'Allesandro, Dist 20: Internal Affairs)

12, K 266-272

SB 424, relative to controlled substances used for terminally ill persons. (Sen. Wheeler, Dist 21; Rep. Wendelboe, Bel 2: Public Institutions, Health and Human Services)

New title: relative to controlled substances used for pain management.

12, am 287-289, psd 313, conc H am 1024, enr 1206 (Chapter 268)

SB 425-FN, relative to the private activity bond limit. (Sen. D'Allesandro, Dist 20: Banks)

12, psd 353-354, 390, H nonconc 824

SB 426-FN, relative to boat dealers and repairers. (Sen. Fraser, Dist 4: Transportation)

12, am 305, psd 313, conc H am 717, enr 815 (Chapter 169)

SB 427-FN, banning the sale or transfer of "Saturday night specials." (Sen. Cohen, Dist 24 et al: Judiciary)

13, K (RC) 342

SB 428-FN-A, relative to the development of certain public health initiatives and making an appropriation therefor. (Sen. McCarley, Dist 6 et al: Public Institutions, Health and Human Services)

New title: relative to the health care fund.

13, am 210-211, psd 221, conc H am 1030, enr 1206 (Chapter 269)

SB 429-FN, relative to claims before the state commission for human rights. (Sen. McCarley, Dist 6 et al: Judiciary)

13, LT 425-426, K 1014

SB 430-FN-A, authorizing the sweepstakes commission to allow electronic bingo games. (Sen. Cohen, Dist 24 et al: Ways and Means)

13, K (2 RCs) 346-347

SB 431, relative to certain secondary vocational education programs. (Sen. Larsen, Dist 15 et al: Education)

13, am 204, psd 221, conc H am 717-718, recon notice 729, recon & nonconc H am, conf 754, 821, rep adop 1132, 1138-1139, enr am 1188-1189, enr 1204 (Chapter 317)

SB 432-FN-A, relative to state assistance for teachers applying for national board certification, and making an appropriation therefor. (Sen. Larsen, Dist 15 et al: Education)

New title: relative to state assistance for teachers applying for national board certification.

13, am 239-240, psd 313, H nonconc 824

SB 433, relative to the age at which a minor may purchase or possess handguns and ammunition. (Sen. Larsen, Dist 15; Sen. Cohen, Dist 24: Judiciary)

13, LT 426, K 1014

SB 434-FN-LOCAL, exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range. (Sen. Gordon, Dist 2 et al: Environment)

First new title: exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

Second new title: exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

13, am 136, psd 171, conc H am 729, enr 815 (Chapter 170)

SB 435-FN, relative to providing emergency 911 access from on-campus student housing at all postsecondary educational institutions within the state. (Sen. Trombly, Dist 7: Education)

13, com changed 15, study 361

SB 436-FN, relative to permanent revocation of drivers licenses for causing a fatality or serious injury while driving intoxicated. (Sen. Trombly, Dist 7: Judiciary)

First new title: relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Second new title: relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Third new title: relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.

13, am & Finance 426-427, psd 581, 594, nonconc H am, conf 1035, rep adop 1132, 1139-1141, enr am 1189, enr 1204 (Chapter 318)

SB 437-FN, relative to retail selling. (Sen. D'Allesandro, Dist 20; Sen. Klemm, Dist 22: Executive Departments and Administration)

13, psd 175, 202, H nonconc 824

SB 438-FN, relative to habitual simple assault. (Sen. Russman, Dist 19 et al: Judiciary)

14, LT 277-280, am & Finance 384-388, K 423

SB 439-FN, relative to motor vehicle offenses resulting in death or serious bodily injury. (Sen. Russman, Dist 19 et al: Judiciary)

First new title: relative to motor vehicle offenses resulting in serious bodily injury.

Second new title: relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information.

14, am 376-378, psd 390, nonconc H am, conf 1052, rep adop 1132, 1141, enr am 1189-1190, enr 1204 (Chapter 319)

SB 440, relative to after market parts. (Sen. Brown, Dist 17: Transportation)

14, K 305-306

SB 441-FN, relative to temporary orders in domestic situations where there has been no finding of abuse. (Sen. Fernald, Dist 11; Sen. McCarley, Dist 6: Judiciary)

14, SO 342-343, study 395-399

SB 442-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Sen. Brown, Dist 17: Executive Departments and Administration)

14, psd 175, 202, H study 685

SB 443-FN, relative to veterinarian reimbursement for the animal population control program. (Sen. Wheeler, Dist 21 et al: Executive Departments and Administration)

14, Finance 137-138, psd 249-250, 313, H conc 685, enr 727 (Chapter 134)

SB 444-FN, relative to methadone maintenance treatment. (Sen. Wheeler, Dist 21 et al: Public Institutions, Health and Human Services)

14, am 289-292, psd 313, H nonconc 824

SB 445-FN, establishing an opioid treatment pilot program. (Sen. Wheeler, Dist 21 et al: Public Institutions, Health and Human Services)

First new title: relative to methadone maintenance treatment.

Second new title: relative to methadone maintenance treatment and the licensing of limited retail drug distributors.

14, am 292-294, psd 313, conc H am 1021-1022, enr am 1184, enr 1206 (Chapter 271)

- SB 446**, relative to the integration of information technology at the state, county and municipal levels. (Sen. Below, Dist 5 et al: Public Affairs)
14, am 285-286, psd 313, conc H am 1032, enr am 1185, enr 1205 (Chapter 320)
- SB 447-FN**, relative to campaign contributions and expenditures. (Sen. Below, Dist 5 et al: Public Affairs)
14, LT 286-287, am (RC) 329-332, psd 390, H nonconc 684
- SB 448**, establishing a guardians ad litem board. (Sen. Gordon, Dist 2 et al: Judiciary)
New title: establishing a guardian ad litem board.
15, am 280-281, psd 313, nonconc H am, conf 1034, rep adop 1132, 1141-1142, enr 1204 (Chapter 321)
- SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. (Sen. Larsen, Dist 15 et al: Public Institutions, Health and Human Services)
First new title: clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001.
Second new title: clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001; and appropriating funds to the legislative budget assistant and the department of revenue administration for tax modeling.
15, psd 178, 202, nonconc H am, conf 1051-1052, rep adop 1132, 1142-1144, enr am 1190, enr 1204 (Chapter 322)
- SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. (Sen. Johnson, Dist 3: Ways and Means)
15, am 215-217, psd 221, conc H am 1031-1032, enr am 1185-1186, enr 1205 (Chapter 323)
- SB 451**, relative to site size standards for new school building construction. (Sen. Russman, Dist. 19 et al: Education)
202, K 240
- SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. (Sen. Russman, Dist. 19 et al: Ways and Means)
202, psd 383, 390, H conc 758, enr 816 (Chapter 171)
- SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges. (Sen. Johnson, Dist. 3: Education)
202, psd 240, 313, H conc 822, enr 1021 (Chapter 210)
- SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. (Sen. Fraser, Dist. 4: Banks)
227, am 354, psd 390, H conc 759, enr 816 (Chapter 172)
- SB 455**, relative to campgrounds. (Sen. F. King, Dist. 1: Wildlife and Recreation)
227, am 471, psd 475, H conc 685, enr 727 (Chapter 130)
- SB 456**, relative to testing newborns for deafness. (Sen. Squires, Dist. 12 et al: Public Institutions, Health & Human Services)
227, psd 462-463, 475, H conc 685, enr 726 (Chapter 131)
- SB 457**, relative to ownership of certified public accounting firms. (Sen. Johnson, Dist. 3 et al: Executive Departments and Administration)
227, LT 579, psd 752-753, 754, H study 823
- SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Sen. J. King, Dist. 18; Rep. Dyer, Hil. 8: Executive Departments and Administration)
227, Finance 579-580, psd 639-640, 682, H conc 1019, enr am 1082-1083, enr 1207 (Chapter 246)

- SB 459**, relative to underinsured motorists. (Sen. Russman, Dist. 19 et al: Insurance)
New title: relative to uninsured or underinsured motorist insurance coverage.
 227, LT (RC) 609-613, psd (RC) 665-668, 682, remarks 721, conc H am 1033, enr am 1186, enr 1205 (Chapter 324)
- SB 460-FN**, establishing a grant program to reimburse eligible districts served by municipal waste combustors. (Sen. Cohen, Dist. 24 et al: Environment)
 227, psd 699-700, 722, H study 823
- SB 461**, establishing a committee to study the creation of a flag to honor all police departments in the state. (Sen. J. King, Dist. 18: Public Affairs)
 227, psd 648, 682, H nonconc 824
- SB 462**, establishing a reformed public school financing system for ensuring educational adequacy for all children and establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefore. (Sen. F. King, Dist. 1: Education)
 228, rules suspended & LT 449-450, K 1014
- SB 463**, revising the uniform partnership act. (Sen. Larsen, Dist. 15: Judiciary)
 476, study 648
- SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction. (Sen. Larsen, Dist. 15 et al: Public Affairs)
 476, am 649, psd 682, conc H am 1022, enr 1206 (Chapter 237)
- SB 465-FN-LOCAL**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Sen. Below, Dist. 5 et al: Ways and Means)
 476, am 751, psd 754, H study 1020
- SB 466**, relative to lot rent increases at manufactured housing parks. (Sen. Hollingworth, Dist. 23 et al: Public Affairs)
 476, rules suspended & study (RC) 747-751
- SB 467**, relative to the exemption from regulation of certain elevating devices. (Sen. Johnson, Dist. 3 et al: Executive Departments and Administration)
 476, psd 638, 683, H conc 822, enr 1021 (Chapter 211)
- SB 468**, relative to the family division of the courts. (Sen. Pignatelli, Dist. 13 et al: Judiciary)
New title: relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.
 477, rules suspended, am & Finance 602-605, psd 640, 683, H conc 1019, enr am 1082, enr 1206, veto sustained (RC) 1221-1222
- SB 469**, relative to mutual insurance holding companies. (Sen. Fraser, Dist 4 et al: Insurance)
 595, am 641, psd 683, H conc 1019, enr am 1081, enr 1207 (Chapter 247)
- SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges. (Sen. Johnson, Dist 3 et al: Education)
New title: relative to the duties of the commission on the status of community-technical education.
 595, am 634-636, psd 683, nonconc H am, conf 1036, rep adop 1132, 1144, enr 1204 (Chapter 325)
- SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear power plant and ratifying article 12 of the 1999 Seabrook annual town meeting. (Sen. Hollingworth, Dist 23; Rep. O'Keefe, Rock 21: Executive Departments and Administration)
First new title: relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter.
Second new title: relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields, Salisbury and Milan; and relative to amending the Hampton Beach village district charter.
 595, psd 638, 683, nonconc H am, conf 1038, rep adop 1133, 1145, enr am 1190-1191, enr 1205 (Chapter 238)

SB 472, relative to final authorization of electric rate reduction financing and commission action. (Sen. Below, Dist. 5 et al: Energy and Economic Development) 686, am (RC) 729-747, psd 755, nonconc H am, conf 1014-1015, rep adop 1133, (RC) 1146-1163, enr am 1191, enr 1205 (Chapter 249)

SENATE JOINT RESOLUTION

SJR 1, concerning the status of the White Mountain National Forest within the U. S. Forest Service's forest management plan. (Sen. F. King, Dist 1 et al: Energy & Economic Development) 601, psd 636, 684, H conc 823, enr am 1058-1059, enr 1085 (Chapter 213)

SENATE CONCURRENT RESOLUTIONS 1999 SENATE CONCURRENT RESOLUTION REREFFERRED TO COMMITTEE

SCR 2, urging the President and Congress to strengthen the finances of Social Security. (Insurance)
K 27

2000 SENATE CONCURRENT RESOLUTIONS

SCR 3, rescinding the 1979 call for a federal constitutional convention. (Sen. Wheeler, Dist 21 et al: Internal Affairs)
15, adop 272, 312, H nonconc 684

SCR 4, urging the federal government to establish a post office in the town of Madbury. (Sen. Wheeler, Dist 21 et al: Internal Affairs)
New title: urging the federal government to establish a new zip code for the town of Madbury.
15, am 272-273, adop 312, H conc 625

SCR 5, urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines. (Sen. Hollingworth, Dist. 23 et al: Interstate Cooperation)
477, adop 643, 684, H conc 823

SCR 6, urging the President and Congress to address the challenge of high prescription medication prices. (Sen. Hollingworth, Dist. 23 et al: Insurance)
477, adop 641, 684, nonconc H am, conf 1033-1034, rep adop 1133, 1164

SCR 7, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (Sen. Russman, Dist 19 et al: Environment)
595, rules suspended & adop 618, 625, H study 823

SENATE RESOLUTIONS

SR 12, requesting an opinion of the justices concerning the constitutionality of SB 365-Local, as amended. (Sen. McCarley, Dist 6)
intro & adop 237-239

SR 13, requesting an opinion of the justices on the constitutionality of SB 462-FN-A-Local "An act establishing a reformed public school financing system for ensuring educational adequacy for all children and establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor." (Sen. F. King, Dist. 1)
intro, am & adop 450-453

SR 14, relative to heating oil prices and the state match requirement for the federal Weatherization Program. (Sen. Trombly, Dist 7 et al)
intro & adop (RC) 472-474

- SR 15**, relative to redistricting of the town of Alexandria following the 2000 census. (Sen. Below, Dist 5; Sen. Gordon, Dist 2)
intro & adop 1000-1002

HOUSE BILLS

1999 HOUSE BILLS REREFERRED TO COMMITTEE

- HB 51**, providing for the voluntary registration of commercial maple producers and maple packers. (Executive Departments & Administration)
226, psd 577, 593, enr 625 (Chapter 68)
- HB 53**, relative to qualifications and appointments of marital masters. (Judiciary)
48, am & LT 903-906, K 1014
- HB 75**, changing the number required for a quorum on the commission for human rights. (Executive Departments and Administration)
psd 19, 47, H nonconc, conf 388 (no report filed)
- HB 86-A**, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. (Energy & Economic Development)
226, psd 357, 389, enr 395 (Chapter 32)
- HB 97**, relative to the right to farm. (Environment)
am 77-80, psd 170, H nonconc, conf 307, rep adop 1087-1088, 1178, enr 1202 (Chapter 279)
- HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor. (Ways and Means)
LT 125-126, study 219
- HB 113**, affirming sovereign immunity as it relates to the Claremont ruling. (Judiciary)
K 86
- HB 226-L**, establishing municipality bond payment schedules and percentages. (Banks)
49, am 632-633, psd 682, H nonconc, conf 1048, rep adop 1088-1089, 1178, enr 1202 (Chapter 280)
- HB 228**, clarifying permissible political expenditures. (Public Affairs)
LT 27, 163-167, am 179-180, psd 202, H nonconc, conf 228-229, rep adop 1089-1090, 1178, enr 1202 (Chapter 281)
- HB 235-FN-A**, increasing exemptions under the interest and dividends tax. (Ways and Means)
50-51, am (2 RCs) 343-346, psd 389, recon notice 399, H conc 756, enr 815, H overrode veto 1222, veto sustained (RC) 1222-1226
- HB 246**, relative to personnel transfers at the department of safety. (Executive Departments and Administration)
49, psd 418, 475, enr 483 (Chapter 36)
- HB 251**, relative to official ballot procedures. (Public Affairs)
rcmt 27, rules suspended & LT 126-127, psd 161, 170, enr am 219, enr 221 (Chapter 16)
- HB 254-L**, establishing a committee to study building inspector liability and other related matters. (Insurance)
49, K 785
- HB 273-FN-L**, establishing a school building aid oversight committee. (Education)
49, K 486
- HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. (Transportation)
49, Finance 492-493, psd 580, 593, enr 625 (Chapter 69)
- HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Judiciary)

New title: relative to the state commission for human rights and claims before it.
49, am 906-909, psd 1017, H nonconc, conf 1041, rep adop 1090-1092, 1177, enr 1202
(Chapter 277)

HB 304, relative to school employee and volunteer background investigations. (Education)

49, am 633-634, psd 682, H conc 823, enr am 1059, enr 1085 (Chapter 214)

HB 305-A, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey. (Capital Budget)

New title: relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey and increasing a capital appropriation to the department of safety.
am & Finance 354-356, psd 580, 593, H conc 622, enr am 626-627, enr 726 (Chapter 132)

HB 310, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state. (Public Institutions, Health and Human Services)

49, psd 708-709, 722, enr 815 (Chapter 142)

HB 311-FN-A, relative to grants made under the New Hampshire incentive program. (Education)

K 57

HB 312, relative to the carrying of firearms in courthouses. (Judiciary)

49, LT 491, 618-622, 662-665, am 678-679, psd 682, H conc 756, enr am 813, enr 824 (Chapter 175)

HB 314, relative to the escrowing of certain utility payments. (Energy and Economic Development)

study 76-77

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons. (Judiciary)

K 86

HB 366, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person. (Public Affairs)

K (2 RCs) 27-31

HB 375, relative to substitutions for disqualified and deceased candidates. (Executive Departments and Administration)

psd 81, 171, enr 215 (Chapter 12)

HB 387, relative to local telephone calling areas, access charges, and competitive telephone services. (Executive Departments and Administration)

49, psd 359, 389, enr 395 (Chapter 33)

HB 405-FN, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. (Public Institutions, Health & Human Services)

226, Finance 614, psd 870, 1017, enr 1021, H sustained veto 1242

HB 407, establishing a committee to study unsolicited commercial telephone solicitation calls. (Executive Departments and Administration)

49, K 359

HB 413-FN-A, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (Education)

226, am 846-848, psd 1017, H nonconc, conf 1050, rep adop 1093-1094, 1178, enr 1202 (Chapter 282)

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Capital Budget)

New title: authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation

for the cost of the Walker building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design.
597, am 843-845, psd 1017, H nonconc, conf 1072-1073, rep adop 1094-1095, 1178, enr 1202 (Chapter 283)

HB 422, relative to advertising by rent-to-own businesses. (Public Affairs)
am 31-32, psd 47, H conc 152, enr 200 (Chapter 8)

HB 427, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. (Public Institutions, Health and Human Services)
49, psd 649-650, 682, enr am 723-724, 755-756, enr 824 (Chapter 176)

HB 448, relative to the board of dental examiners and the regulation of dentists and dental hygienists. (Executive Departments and Administration)
psd 19-20, 47, enr am 50, enr 51 (Chapter 5)

HB 449-FN, requiring boating safety education. (Transportation)
am 118-125, recon & LT 155, am 294-295, psd 313, H conc 477, enr am 479, enr 592 (Chapter 52)

HB 457, extending the committee to study electric rate reduction financing. (Energy and Economic Development)
49, K 763

HB 470, relative to settlement of personal actions. (Judiciary)
K 86-87

HB 505-FN, establishing a special license plate for veterans. (Transportation)
First new title: establishing a special license plate for veterans and allowing certain veterans to be issued special number plates without charge.
Second new title: establishing a special license plate for veterans.
226, am 616, psd 624, recon notice 629, recon & am 661-662, psd 683, H nonconc, conf 1046-1047, rep adop 1095, 1177, enr am 1192, enr 1202 (Chapter 284)

HB 514-L, relative to change of school assignment and transfers of public school pupils. (Education)
49, K 486

HB 521-L, allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Public Affairs)
New title: providing a procedure to allow municipalities that have adopted the municipal budget act to override the 10 percent limitation imposed on appropriations not recommended by the budget committee.
49, am 584-585, psd 594, H conc 823, enr 1021 (Chapter 193)

HB 522, relative to the public's access to sex offender registry information. (Judiciary)
49, am (RC) 613-614, psd 624, H conc 756, enr am 813-814, enr 824 (Chapter 177)

HB 542-FN-A, repealing the Legacies and Successions Tax. (Ways and Means)
New title: repealing the legacies and succession tax.
am & finance 34, LT (RC) 155, 476, SO (3 RCs) 507-515, am (2 RCs) 517-558, remarks 593, psd 594, recon notice 602, H rej S am, returned, & am (5 RCs) 928-957, psd 1017, H conc 1020, enr 1084, H override veto 1226, veto sustained (RC) 1227-1237

HB 553-FN-A, establishing a commission on the status of men. (Executive Departments and Administration)
New title: establishing a committee to study the status of men.
am & Finance 20-21, psd 151-152, 171, H nonconc, conf 229, rep adop 1095-1096, 1178, enr 1206 (Chapter 272)

HB 568, establishing a program for performance evaluations of judges. (Judiciary)
49, psd 491, 515, enr 592 (Chapter 53)

HB 569, relative to the tax credit for service-connected total disability. (Insurance)
49, psd 423, 475, enr am 478, enr 592 (Chapter 54)

HB 580-FN-A-L, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination. (Energy & Economic Development)
226, psd 357-358, 390, enr 394 (Chapter 21)

- HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. (Environment)
49, LT 401, psd 515, enr 592 (Chapter 55)
- HB 618-FN-A**, establishing a voucher program for smoking cessation. (Public Institutions, Health and Human Services)
49, Finance 709, am 870-872, psd 1017, H nonconc, conf 1053, rep adop 1096, 1177, enr 1202 (Chapter 285)
- HB 628**, relative to the relocation of the principal residence of a child. (Education)
New title: relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.
49, com changed 203, am & LT 909-917, am 958-961, psd 1017, H nonconc, conf 1046, rep adop (RC) 1164-1177, 1179, enr am 1192, enr 1202, H sustained veto 1242
- HB 630-FN-L**, relative to the Skyhaven airport transfer plan. (Transportation)
50, psd 493, 515, enr 592 (Chapter 56)
- HB 640-FN**, relative to grievance procedures of managed care organizations. (Public Institutions, Health and Human Services)
New title: establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.
am 101-113, remarks 124, psd 171, H conc 224, enr 225 (Chapter 18)
- HB 648-FN**, relative to a sludge testing program. (Environment)
226, am & Finance 565-568, psd 872, 1017, H nonconc, conf 1055-1056, rep adop 1097, 1178, enr 1202, H overrode veto 1237, veto overridden (RC) 1237-1240 (Chapter 326)
- HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Education)
50, am 761, psd 817, H conc 823, enr 1021 (Chapter 194)
- HB 690-FN-L**, relative to charter schools and open enrollment districts. (Education)
New Title: establishing a committee to study charter schools and open enrollment school districts.
recon & am (RC) 57-61, psd 171, H nonconc, conf 1050-1051, rep adop 1097, 1178, enr 1202 (Chapter 286)
- HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. (Education)
50, psd 487, 515, enr am 590-591, enr 623 (Chapter 70)
- HB 713-FN**, relative to penalties for multiple DWI offenses. (Judiciary)
First new title: relative to ignition interlock systems for certain DWI offenders
Second new title: relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.
226, am 800-804, psd 817, H nonconc, conf 1049, rep adop 1097-1099, 1177, enr am 1193, enr 1202 (Chapter 287)
- HB 723-FN**, relative to standby and emergency guardianship proxies. (Judiciary)
LT 87, 476, K 1014
- HB 725**, relative to rulemaking under the administrative procedures act. (Executive Departments and Administration)
226, am 867-870, psd 1017, H nonconc, conf 1043, rep adop 1099-1100, 1179, enr am 1193-1194, enr 1202 (Chapter 288)
- HB 730-FN**, establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor. (Internal Affairs)
50, psd 265, 313, enr 393 (Chapter 22)
- HB 733**, relative to a state master plan for the deployment of personal wireless service facilities. (Energy and Economic Development)
New title: relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.
50, am 856-860, psd 1017, H conc 1020, enr am 1080-1081, enr 1206 (Chapter 240)

2000 HOUSE BILLS

- HB 1102**, relative to accessibility of veterans' disability payments in divorce cases. (Judiciary)
481, psd 704-705, 722, enr am 755, enr 824 (Chapter 178)
- HB 1105**, ratifying article 9 of the 1999 Seabrook annual town meeting. (Public Affairs)
New title: ratifying article 9 of the 1999 Seabrook annual town meeting and the 1999 Epping annual town meeting.
153, rules suspended & am 154, psd 171, H conc & enr 200-201 (Chapter 6)
- HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Transportation)
226, LT 657, am 1004-1005, psd 1017, H nonconc, conf 1042, rep adop 1101, 1178, enr 1206 (Chapter 273)
- HB 1107**, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion. (Executive Departments and Administration)
597, psd 777-778, 817, enr 824 (Chapter 179)
- HB 1109**, relative to the modification of spousal support orders. (Judiciary)
392, K 643
- HB 1110**, establishing a committee to study landlord-tenant issues. (Public Affairs)
223, rcmt 427-428, psd 585, 594, enr am 600-601, enr 625 (Chapter 71)
- HB 1113**, raising the maximum price for lucky 7 tickets. (Ways and Means)
392, LT 811, K 1014
- HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position. (Insurance)
223, psd 423, 475, enr 483 (Chapter 37)
- HB 1124-L**, relative to local building codes. (Public Affairs)
223, am 585-586, psd 594, H conc 823, enr 1021 (Chapter 195)
- HB 1126**, relative to repealing the prohibition on rewards for procuring employment. (Insurance)
223, psd 423, 475, enr 483 (Chapter 38)
- HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits. (Environment)
315, psd 605-606, 625, enr 679 (Chapter 86)
- HB 1130**, relative to persons conducting alcohol concentration tests. (Judiciary)
168, psd 804, 817, enr 824 (Chapter 180)
- HB 1131-FN**, relative to license revocations and suspensions. (Transportation)
481, psd 713, 722, enr 815 (Chapter 143)
- HB 1134**, establishing a committee to study mental health care treatment under managed care plans. (Insurance)
223, psd 424, 475, enr am 478, enr 483 (Chapter 39)
- HB 1136**, relative to the university system of New Hampshire board of trustees. (Education)
168, psd 229, 313, enr am 316, enr 394 (Chapter 23)
- HB 1139**, establishing a committee to study involuntary emergency admission hearings. (Public Institutions, Health and Human Services)
392, psd 965, 1017, enr 1085 (Chapter 221)
- HB 1141**, relative to access highways to public waters. (Environment)
168, psd 242, 313, enr 393 (Chapter 24)
- HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." (Transportation)
223, psd 657-658, 683, enr 726 (Chapter 101)
- HB 1144-L**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals. (Ways and Means)
597, K 988

- HB 1145**, limiting the liability of state certified fire instructors. (Executive Departments and Administration)
597, psd 778, 817, enr 1021 (Chapter 196)
- HB 1146-L**, relative to tax increment financing. (Energy and Economic Development)
481, am 763-764, psd 817, H conc 1019, enr 1084 (Chapter 222)
- HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces. (Internal Affairs)
153, psd 642, 683, enr 726 (Chapter 102)
- HB 1150**, relative to voter registration for official ballot meetings. (Public Affairs)
169, psd 378, 390, enr 395 (Chapter 34)
- HB 1151**, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. (Internal Affairs)
315, psd 642, 683, enr 726 (Chapter 103)
- HB 1156**, establishing June 20th each year as Destroyer Escort Day. (Internal Affairs)
153, psd 642, 683, enr am 725-726, enr 757 (Chapter 135)
- HB 1160**, relative to access to the enhanced 911 system. (Executive Departments and Administration)
392, psd 636, 683, enr 727 (Chapter 104)
- HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Transportation)
169, am 493-494, psd 515, H conc 622, enr am 628, enr 726 (Chapter 105)
- HB 1163**, relative to the date of decision for appeals of zoning matters. (Public Affairs)
481, psd 708, 722, enr 815 (Chapter 144)
- HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. (Transportation)
New title: reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.
226, LT 713-715, am 814, psd 817, H conc 823, enr 1021 (Chapter 197)
- HB 1166**, relative to confidentiality and information collection by the department of agriculture, markets, and food. (Public Affairs)
315, K 586
- HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. (Public Affairs)
223, K 428
- HB 1169**, relative to gates and bars on class VI roads. (Transportation)
153, K 658
- HB 1171**, restricting the payment of salaries to suspended judicial officers. (Finance)
392, K 638, recon notice 687, recon & study 997-1000
- HB 1172**, providing staggered terms for agricultural advisory board members. (Executive Departments and Administration)
392, psd 577, 594, enr 625 (Chapter 72)
- HB 1175**, relative to license renewal for dental hygienists. (Executive Departments and Administration)
169, psd 490, 516, enr am 591, enr 625 (Chapter 73)
- HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee. (Internal Affairs)
597, rules suspended & psd 1015, 1017, enr 1085 (Chapter 223)
- HB 1179**, relative to final orders of the public utilities commission. (Energy and Economic Development)
223, psd 489, 516, enr 592 (Chapter 57)
- HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements. (Insurance)
597, am 785-786, psd 817, H conc 823, enr 1021 (Chapter 198)

- HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000. (Environment)
392, psd 606, 625, enr 679 (Chapter 87)
- HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee. (Environment)
169, psd 242, 313, enr 394 (Chapter 25)
- HB 1188-FN-L**, relative to alternative kindergarten programs. (Education)
597, am 761-762, psd 817, H nonconc, conf 1047-1048, rep adop 1101-1103, 1178, enr 1202 (Chapter 289)
- HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Insurance)
New title: relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.
481, am & Finance 786-793, psd 872-873, 1017, H nonconc, conf 1045, rep adop 1103-1104, 1178, enr am 1194, enr 1202 (Chapter 290)
- HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas. (Education)
392, psd 634, 683, enr 727 (Chapter 106)
- HB 1194**, relative to the composition of planning boards in certain cities. (Public Affairs)
392, psd 648, 683, enr 727 (Chapter 107)
- HB 1195**, making technical changes to the law regulating acupuncture. (Public Institutions, Health and Human Services)
597, psd 709-710, 722, enr am 756-757, enr 824 (Chapter 181)
- HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. (Public Affairs)
227, psd 428, 475, enr 484 (Chapter 40)
- HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Public Affairs)
153, am 378-379, psd 390, H nonconc, conf 485, rep adop 1104-1105, 1178, enr 1202 (Chapter 291)
- HB 1199**, establishing a study committee on funding for affordable housing. (Public Affairs)
315, psd 586-587, 594, enr 623 (Chapter 74)
- HB 1200**, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Finance)
First new title: relative to the application of education property tax hardship relief to estate planning trusts.
Second new title: relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.
200, am 246-248, psd 313, H nonconc, conf 485, rep adop 629, 682, enr am 724-725, enr 757 (Chapter 136)
- HB 1202-L**, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes. (Ways and Means)
New title: making technical corrections to 1999, 17 as amended, relative to filing and mailing procedures in the administration and appeal of state and local taxes, and relative to disclosure of information for purposes of the tax modeling system.
481, am 988-992, psd 1017, H nonconc, conf 1051, rep adop 1105-1106, 1178, enr 1204 (Chapter 239)
- HB 1203-L**, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries. (Executive Departments and Administration)
598, LT 778-779, K 1014
- HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention. (Public Institutions, Health and Human Services)
169, psd 429, 475, enr 484 (Chapter 41)

- HB 1209**, relative to the construction and reconstruction of class B and class C dams. (Energy and Economic Development)
598, psd 764, 817, enr 824 (Chapter 182)
- HB 1210-L**, relative to capital reserve funds. (Capital Budget)
481, com changed 590, psd 918-919, 1017, enr am 1059, enr 1084 (Chapter 224)
- HB 1212**, relative to extending the reporting date of the open adoption study committee. (Judiciary)
169, am 583, psd 594, H nonconc, conf 660, rep adop 1106, 1177 (unable to agree)
- HB 1216**, relative to petitions for warrant articles. (Public Affairs)
481, psd 919, 1017, enr 1021 (Chapter 199)
- HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers. (Internal Affairs)
169, psd 266, 313, enr 393 (Chapter 26)
- HB 1224**, relative to the process for nonrenewal of teacher contracts. (Education)
598, K 848-849
- HB 1225**, relative to the name of the department of fish and game. (Wildlife and Recreation)
169, psd 470-471, 475, enr 483 (Chapter 42)
- HB 1233**, relative to interest on judgements. (Judiciary)
169, am 804-805, psd 817, H nonconc 1078
- HB 1234**, relative to special commissions to perform marriages in New Hampshire. (Executive Departments and Administration)
392, psd 577-578, 594, enr 625 (Chapter 75)
- HB 1235**, relative to defining surface waters. (Environment)
315, psd 568, 594, enr 625 (Chapter 76)
- HB 1236**, relative to an informed jury. (Judiciary)
598, K 805-806
- HB 1239**, relative to durable powers of attorney. (Judiciary)
392, study 917
- HB 1240**, requiring insurers to make prompt payments. (Insurance)
New title: requiring the department of health and human services and insurers to make prompt payments.
481, am & Finance 794-799, psd (RC) 873-883, 1017, H conc 1020, enr am 1180, enr 1206 (Chapter 274)
- HB 1241**, relative to third person liability under the workers' compensation law. (Insurance)
481, LT 800, K (RC) 1005-1010
- HB 1242**, relative to the standard for modification of a child custody order. (Judiciary)
392, am 643-644, psd 683, H conc 756, enr 824 (Chapter 145)
- HB 1244**, relative to the use of certain needle technology. (Public Institutions, Health and Human Services)
481, psd 710, 722, enr am 756, enr 824 (Chapter 183)
- HB 1250**, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency. (Public Institutions, Health and Human Services)
482, psd 965, 1017, enr 1084 (Chapter 225)
- HB 1251**, relative to driver education training reimbursement. (Transportation)
482, Finance 658-659, am 883, psd 1018, H conc 1020, enr 1084, H sustained veto 1242
- HB 1253**, establishing a 4-year term for the commissioner of the department of corrections. (Executive Departments and Administration)
482, K (RC) 700-703, recon notice 729
- HB 1256**, clarifying certain health care laws. (Public Institutions, Health and Human Services)
169, psd 587-588, 594, enr 625 (Chapter 77)

- HB 1258-FN**, relative to invasive plant, insect, and fungal species. (Environment)
315, psd 569, 594, enr am 623-624, enr 679 (Chapter 88)
- HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Energy and Economic Development)
New title: establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.
598, am 764-766, psd 817, H nonconc, conf 1040-1041, rep adop 1106-1107, 1178, enr am 1194-1195, enr 1202 (Chapter 292)
- HB 1264-FN**, relative to the unlawful use of theft detection shielding devices. (Public Affairs)
227, am 491-492, psd 516, H conc 622, enr 679 (Chapter 89)
- HB 1265-FN**, relative to registration of certain antique OHRVs. (Transportation)
482, psd 659, 683, enr 727 (Chapter 108)
- HB 1268-FN**, relative to certain vehicle registrations. (Transportation)
223, psd 616-617, 625, enr 679 (Chapter 90)
- HB 1270-FN-L**, relative to charter schools and open enrollment districts. (Education)
598, study 849
- HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment. (Public Institutions, Health and Human Services)
169, psd 615-616, 625, enr 680 (Chapter 91)
- HB 1281**, relative to disqualification of public utility commissioners. (Executive Departments and Administration)
598, K 779-780
- HB 1282**, establishing a committee to study the possibility of self-insuring state employees. (Insurance)
392, psd 582, 594, enr am 600, enr 679 (Chapter 92)
- HB 1283**, establishing a commission on the education of the deaf and hard of hearing in New Hampshire. (Education)
223, psd 400-401, 475, enr 484 (Chapter 43)
- HB 1287**, relative to the membership of the water council. (Executive Departments and Administration)
169, am 359-360, psd 390, H conc 477, enr 483 (Chapter 44)
- HB 1294-L**, relative to regional planning commissions. (Public Affairs)
598, psd 808-809, 817, enr 1021 (Chapter 200)
- HB 1301**, relative to regional appointments to the state committee on aging. (Executive Departments & Administration)
169, am 490-491, psd 516, H conc 622, enr 680 (Chapter 93)
- HB 1308**, relative to nomination paper requirements. (Public Affairs)
New title: relative to the manner in which candidates are listed on election ballots.
598, am 919-920, psd 1018, H conc 1020, enr 1084 (Chapter 226)
- HB 1309**, relative to wood-to-energy rate order buydowns. (Energy and Economic Development)
598, am 766-767, psd 817, H conc 1019, enr 1085 (Chapter 227)
- HB 1311**, relative to payment of employer contributions for unemployment compensation. (Insurance)
315, psd 582, 594, enr 626 (Chapter 78)
- HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. (Education)
New title: prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue.
482, psd 762, 817, enr am 819-820, enr 1021 (Chapter 201)
- HB 1318**, establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices. (Energy and Economic Development)
224, psd 489, 516, enr 592 (Chapter 58)

- HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. (Public Institutions, Health and Human Services)
392, psd 965, 1018, enr 1084 (Chapter 228)
- HB 1321**, relative to certain funds collected by order of the public utilities commission. (Executive Departments and Administration)
392, psd 578, 594, enr am 622, enr 679 (Chapter 94)
- HB 1322**, relative to the regulation of certain outdoor advertising devices. (Transportation)
224, psd 659, 683, enr 727 (Chapter 109)
- HB 1326**, relative to managed care programs under workers' compensation. (Insurance)
392, psd 582, 594, enr 626 (Chapter 79)
- HB 1327**, relative to residency of prisoners for purposes of voter registration. (Public Affairs)
392, K 648
- HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. (Energy and Economic Development)
New title: relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.
598, am 767-768, psd 817, H nonconc, conf 1045-1046, rep adop 1107-1108, 1177, enr am 1179, enr 1202 (Chapter 276)
- HB 1331**, relative to campaign contributions by corporations. (Public Affairs)
393, am 920-923, psd 1018, H nonconc 1078
- HB 1334-L**, relative to posting municipal roads. (Transportation)
153, psd 617, 625, enr am 626, enr 726 (Chapter 110)
- HB 1335**, requiring hospitals to disclose certain information to the attorney general. (Public Institutions, Health and Human Services)
598, psd 799, 818, enr 824 (Chapter 184)
- HB 1337**, repealing the New Hampshire foundation for mental health. (Public Institutions, Health and Human Services)
169, psd 588, 594, enr 626 (Chapter 80)
- HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission. (Interstate Cooperation)
598, psd 800, 818, enr 824 (Chapter 185)
- HB 1342-FN**, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge. (Environment)
598, LT 773, K (RC) 1010-1012
- HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Environment)
482, Finance 697, psd 883, 1018, enr 1021, H override veto 1240, veto overridden (2 RCs) 1240-1242 (Chapter 327)
- HB 1344-FN**, expanding the used oil program. (Environment)
482, psd 697-698, 722, enr 815 (Chapter 146)
- HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. (Energy and Economic Development)
482, am 768-772, psd 818, H nonconc, conf 1038 (no report filed)
- HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia. (Transportation)
315, psd 659-660, 683, enr am 725, enr 757 (Chapter 137)

- HB 1362-L**, relative to the reconsideration of cost apportionment within a cooperative school district. (Education)
224, psd 487, 516, enr 592 (Chapter 59)
- HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials. (Internal Affairs)
153, psd 613, 625, enr am 681, enr 727 (Chapter 111)
- HB 1369-FN-L**, clarifying authority to regulate asbestos. (Environment)
821, rules suspended & psd 992-993, 1018, enr am 1180, enr 1206 (Chapter 275)
- HB 1371**, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles. (Judiciary)
598, LT 806-807, K 1014
- HB 1373**, relative to payments of first and second mortgage home loans. (Banks)
482, psd 633, 683, enr 727 (Chapter 112)
- HB 1374**, extending the reporting date for the sex offender issues study committee. (Judiciary)
224, am 424, psd 475, H conc 484, enr am 516, enr 623 (Chapter 81)
- HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. (Public Institutions, Health and Human Services)
New title: prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.
482, am 710-712, psd 722, H conc 823, enr am 1080, enr 1206 (Chapter 248)
- HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (Transportation)
169, am 380-381, psd 390, H conc 477, enr 484 (Chapter 45)
- HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district. (Education)
153, psd 204-205, psd & enr 221 (Chapter 13)
- HB 1382-FN**, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. (Executive Departments and Administration)
315, psd 637, 683, enr 727 (Chapter 113)
- HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program. (Environment)
169, psd 242-243, 313, enr 394 (Chapter 27)
- HB 1390**, establishing a commission to study the relationship between public health and the environment. (Environment)
393, com changed 472, psd 650-651, 683, enr 727 (Chapter 114)
- HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Wildlife and Recreation)
169, psd 306, 313, enr 393 (Chapter 28)
- HB 1404**, creating a study committee to address mechanisms for the preservation or disposal of state records. (Internal Affairs)
393, com changed 471, psd 703, 722, enr 757 (Chapter 138)
- HB 1405**, exempting 50/50 raffles from the laws regulating games of chance. (Ways and Means)
393, psd 617, 625, enr am 627, enr 726 (Chapter 115)
- HB 1406**, relative to transition service. (Executive Departments and Administration)
482, psd 704, 722, enr 815, H sustained veto 1242
- HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (Transportation)
169, am 381-382, psd 390, H conc 477, enr 483 (Chapter 46)

- HB 1410**, relative to the joint health council. (Public Institutions, Health and Human Services)
598, LT (RC) 651-654, psd 687-697, 722, enr 815 (Chapter 147)
- HB 1412**, relative to electric customer-generators. (Energy and Economic Development)
598, psd 697, 722, enr 815 (Chapter 148)
- HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces. (Public Affairs)
224, am 492, psd 516, H conc 623, enr 680 (Chapter 95)
- HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. (Environment)
First new title: authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.
Second new title: authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.
598, SO 773-774, am & LT 825-829, psd (RC) 1002-1004, 1018, H nonconc, conf 1039-1040, rep adop 1108-1109, 1178, enr am 1195, enr 1203 (Chapter 293)
- HB 1416-FN**, establishing a brownfields cleanup revolving loan fund. (Environment)
315, psd 569, 594, enr 626 (Chapter 82)
- HB 1418-FN-L**, relative to mercury-containing products. (Environment)
598, am 861-866, psd 1018, H nonconc, conf 1055, rep adop 1110, 1179, enr 1203 (Chapter 278)
- HB 1422**, relative to the composition of and procedures for the appellate board of the department of employment security. (Executive Departments and Administration)
482, psd 637, 683, enr 727 (Chapter 116)
- HB 1424**, relative to reevaluation of a person's competency to stand trial. (Judiciary)
482, am 705, psd 722, H conc 823, enr am 1060, enr 1084 (Chapter 229)
- HB 1431**, relative to protective orders in domestic violence cases. (Judiciary)
598, am 806-807, psd 818, H conc 823, enr am 1060, enr 1084 (Chapter 230)
- HB 1435**, establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law. (Judiciary)
154, am 424-425, psd 476, H conc 484, enr 592 (Chapter 60)
- HB 1438**, relative to transportation of children for involuntary emergency admissions. (Public Institutions, Health and Human Services)
482, psd 966, 1018, enr 1084 (Chapter 231)
- HB 1448**, relative to the partition of real property. (Judiciary)
New title: relative to the partition of real estate and division of property.
169, am 644-648, psd 683, H conc 823, enr 1085 (Chapter 232)
- HB 1450-FN**, relative to hearings and appeals of equal pay claims. (Executive Departments and Administration)
315, psd 637-638, 683, enr 727 (Chapter 133)
- HB 1452**, codifying the powers and duties of the joint committee on legislative facilities. (Executive Departments & Administration)
728, K 780
- HB 1454**, relative to deputy conservation officers in the fish and game department. (Wildlife and Recreation)
224, psd 715, 722, enr 815 (Chapter 149)

- HB 1455**, relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags. (Wildlife and Recreation)
169, am 306, psd 313, H conc 477, enr 483 (Chapter 47)
- HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (Public Affairs)
482, psd 708, 722, enr am 724, enr 825 (Chapter 186)
- HB 1459**, requiring the state police to record and update information relative to the charges of criminal and civil non-support. (Judiciary)
599, psd 705-706, 722, enr 815 (Chapter 150)
- HB 1462**, extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources. (Energy and Economic Development)
224, psd 490, 516, enr 592 (Chapter 61)
- HB 1463**, making technical corrections related to the mental health system and guardianship hearings. (Public Institutions, Health and Human Services)
New title: making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.
482, am 966-972, psd 1018, H nonconc, conf 1053-1054, rep adop 1110, 1177, enr am 1195-1196, enr 1203 (Chapter 294)
- HB 1464**, relative to the licensing process for new health care facility construction. (Public Institutions, Health and Human Services)
224, am 972-973, psd 1018, H nonconc, conf 1057, rep adop 1110-1111, 1179 (unable to agree)
- HB 1465**, extending the reporting date of the committee to study the non-group health insurance market. (Insurance)
482, psd 640-641, 683, enr 727 (Chapter 117)
- HB 1467-FN**, relative to the registration of mail-order pharmacies. (Executive Departments and Administration)
599, psd 780, 818, enr 825 (Chapter 187)
- HB 1468-FN**, relative the registration of pharmacy technicians. (Executive Departments and Administration)
599, psd 780, 818, enr 825 (Chapter 188)
- HB 1469**, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers. (Judiciary)
821 (S com rej consideration)
- HB 1470**, relative to divestiture of electric utility assets. (Energy and Economic Development)
315, K 861
- HB 1471**, relative to the department of employment security's power to approve building projects. (Capital Budget)
154, am 845, psd 1018, H nonconc, conf 1072, rep adop 1111, 1179, enr 1203 (Chapter 295)
- HB 1483**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. (Executive Departments and Administration)
482, psd 704, 722, enr 757 (Chapter 139)
- HB 1492-FN**, relative to clarifying the state's stalking statute. (Judiciary)
482, psd 706, 722, enr 815 (Chapter 151)
- HB 1494-FN**, establishing penalties for attempts to purchase firearms illegally. (Judiciary)
315, psd 706, 722, enr 815 (Chapter 152)
- HB 1502**, relative to lead paint abatement. (Public Institutions, Health & Human Services)
227, psd 588, 594, enr am 623, enr 679 (Chapter 96)
- HB 1504**, relative to submission of biennial budget estimates by agencies. (Finance)
First new title: making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical

services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Second new title: making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

315, am 884-896, psd 1018, recon notice 1020, recon & am 1060-1063, psd 1086, rules suspended, H nonconc, conf 1076-1077, rep adop 1111-1117, 1179, enr am 1196-1197, enr 1203 (Chapter 296)

HB 1506, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. (Public Institutions, Health and Human Services)
599, K 973-974

HB 1508-FN, establishing a study committee on antitrust laws as they apply to hospital business practices. (Judiciary)
227, rcmt 425, K 807

HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. (Insurance)

New title: relative to the licensure of geologists.

315, SO 800, K (RC) 829-831, recon notice 1020, recon & am 1063-1072, psd 1086, rules suspended 1076, H nonconc, conf 1077, rep adop 1117, 1179, enr am 1197, enr 1203 (Chapter 297)

HB 1512-FN, establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it. (Insurance)
315, psd 582-583, 594, enr 623 (Chapter 83)

HB 1521-FN-L, relative to the definition and administration of an adequate education. (Education)
686, am 849-856, psd 1018, H nonconc, conf 1049-1050 (no report filed)

HB 1523, relative to landlord-tenant obligations. (Public Affairs)
224, psd 428, 476, enr 483 (Chapter 48)

HB 1525, establishing a legislative oversight committee to review the procedures of the health services planning and review board. (Public Institutions, Health and Human Services)
599, psd (RC) 974-975, recon notice 1015, psd 1018, recon notice 1020, recon, K, recon & K (RC) 1074-1076

HB 1531, relative to the preemption of local regulations of firearms. (Public Affairs)
315, rcmt 587, study (RC) 923-928

HB 1535-FN, relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload. (Executive Departments and Administration)
315, K 780-781

HB 1541-FN-L, relative to the cremation of deceased persons. (Public Institutions, Health and Human Services)
393, psd 799, 818, enr am 820, enr 1021 (Chapter 202)

HB 1548-FN, abolishing the death penalty. (Judiciary)
393, psd (RC) 831-843, 1018, enr 1021, H sustained veto 1242

- HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefore. (Executive Departments and Administration)
New title: establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.
 599, am 781-784, psd 818, H nonconc, conf 1074, rep adop 1117-1118, 1177, enr am 1199-1200, enr 1203 (Chapter 298)
- HB 1559-FN**, establishing a committee to study the organization and functions of the New Hampshire state port authority. (Energy and Economic Development)
 316, Finance 558, am 638-639, psd 683, H conc 756, enr 815 (Chapter 153)
- HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Insurance)
 482, LT 704, psd 753, 755, enr 825 (Chapter 154)
- HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act. (Judiciary)
 483, psd 807-808, 818, enr 825 (Chapter 189)
- HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Transportation)
 599, am 981-982, psd 1018, H nonconc, conf 1057-1058, rep adop 1118, 1177, enr 1206 (Chapter 241)
- HB 1566-FN**, relative to perambulation between states. (Public Affairs)
 170, psd 379, 390, enr 395 (Chapter 35)
- HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. (Environment)
New title: requiring the department of environmental services to develop a voluntary MTBE testing program of state water supplies and to study the amount of MTBE in gasoline in the state.
 483, am 774-777, psd 818, H nonconc, conf 1040, rep adop 1118-1119, 1177, enr 1203 (Chapter 299)
- HB 1570**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Judiciary)
 393, am 808, psd 818, H nonconc, conf 1039, rep adop 1119-1120, 1178, enr 1203 (Chapter 300)
- HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Public Institutions, Health and Human Services)
 316, am 975-976, psd 1018, H nonconc, conf 1056-1057, rep adop 1120, 1178, enr 1203 (Chapter 301)
- HB 1573**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. (Internal Affairs)
New title: relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.
 227, com changed 618, am 896-897, psd 1018, H nonconc, conf 1044, rep adop 1120-1121, 1178, enr am 1200-1201, enr 1203 (Chapter 302)
- HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Public Institutions, Health and Human Services)
New title: establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.
 224, am 976-980, psd 1018, H nonconc, conf 1056, rep adop 1121-1122, 1178, enr am 1199, enr 1203 (Chapter 303)
- HB 1582**, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families. (Public Affairs)
 393, psd 962, 1018, enr am 1079, enr 1084 (Chapter 233)

- HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (Executive Departments and Administration)
224, am 578, psd 594, H conc 623, enr am 627, enr 726 (Chapter 118)
- HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections. (Transportation)
170, am 494-495, psd 516, H conc 623, enr 680 (Chapter 97)
- HB 1589**, prohibiting the use of genetic testing for certain insurance policies. (Insurance)
First new title: relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.
Second new title: relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.
599, am 897-902, psd 1018, H nonconc, conf 1044, rep adop 1123-1124, 1178, enr am 1197-1198, enr 1203 (Chapter 304)
- HB 1592**, relative to the display of the United States flag. (Internal Affairs)
224, psd 902, 1018, enr 1021 (Chapter 203)
- HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund. (Public Institutions, Health and Human Services)
154, psd 429, 476, enr am 478-479, enr 592 (Chapter 62)
- HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss. (Public Institutions, Health and Human Services)
224, psd 980, 1018, enr 1085 (Chapter 234)
- HB 1606**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Executive Departments and Administration)
599, psd 784, 818, enr am 820-821, enr 1021 (Chapter 204)
- HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services. (Public Institutions, Health and Human Services)
New title: establishing a study committee to consider legislation reducing to zero the number of persons with developmental disabilities and persons with brain injuries in the state who are not receiving or have not received medicaid services.
224, am 654-655, psd 684, H conc 823, enr 1021 (Chapter 205)
- HB 1611**, recodifying the state's DWI laws. (Judiciary)
First new title: relative to liquor liability insurance coverage and retail selling.
Second new title: relative to retail selling.
599, LT 917-918, am 993-994, psd 1018, H nonconc, conf 1052-1053, rep adop 1124-1125, 1179, enr am 1198, enr 1203 (Chapter 305)
- HB 1613**, exempting police officers on bicycles from certain motor vehicle laws and rules. (Transportation)
224, psd 495, 516, enr 592 (Chapter 63)
- HB 1614**, naming 2 bridges. (Transportation)
227, psd 660, 684, enr 726 (Chapter 119)
- HB 1616-FN**, relative to registration fees for certain construction equipment vehicles. (Transportation)
227, psd 382, 390, enr 394 (Chapter 20)
- HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. (Transportation)
New title: relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."
393, am 809-810, psd 818, H nonconc, conf 1047, rep adop 1125-1127, 1179, enr am 1198-1199, enr 1203 (Chapter 306)

- HB 1619-FN**, relative to school employee and volunteer background investigations. (Education)
599, study 763
- HB 1620-FN**, relative to driver record information. (Transportation)
599, am 982-986, psd 1019, H nonconc, conf 1042 (no report filed)
- HB 1621-FN**, allowing administrative home confinement for habitual offenders. (Judiciary)
599, K (RC) 707-708, recon notice 728, recon & am 994-997, psd 1019, H nonconc, conf 1077-1078, rep adop 1127-1128, 1178, enr 1203 (Chapter 307)
- HB 1622-L**, eliminating the requirement that a deputy town clerk have his or her domicile within the town. (Public Affairs)
New title: making the requirement that a deputy town clerk have his or her domicile within the town optional, ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk, and relative to the simultaneous holding of certain town offices.
599, am 962-964, psd 1019, H nonconc, conf 1048-1049, rep adop 1129-1130, 1179, enr 1204 (Chapter 308)
- HB 1627**, relative to the exchange of certain land in the town of Rindge. (Transportation)
686, psd 810-811, 818, recon notice 829, enr 1085 (Chapter 235)
- HB 2000-FN-L**, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. (Transportation)
New title: relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the statewide toll booth system.
755, am 986-988, psd 1019, H nonconc, conf 1043, rep adop 1130-1132, 1179, enr 1204 (Chapter 309)

HOUSE JOINT RESOLUTIONS

1999 HOUSE JOINT RESOLUTION REREFERRED TO COMMITTEE

- HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon. (Transportation)
New title: encouraging the revitalization of the northern rail corridor from Concord to Lebanon and recognizing its interim recreational uses.
am 32-34, psd 47, H conc 152, enr 200 (Chapter 7)

2000 HOUSE JOINT RESOLUTIONS

- HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. (Public Institutions, Health and Human Services)
393, psd 980-981, 1019, enr 1084 (Chapter 218)
- HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate. (Environment)
483, am 698-699, psd 722, H conc 1019, enr 1085 (Chapter 219)
- HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997. (Executive Departments and Administration)
599, psd 784-785, 818, enr 824 (Chapter 174)
- HJR 24**, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline. (Environment)
483, am 699, psd 723, H conc 1019, enr 1085 (Chapter 220)
- HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire. (Environment)
393, K (RC) 606-609

HJR 26, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. (Internal Affairs) 686, psd 902, 1019, enr 1020 (Chapter 192)

2000 HOUSE CONCURRENT RESOLUTIONS

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. (Public Institutions, Health and Human Services) 224, adop 713, 722

HCR 21, urging the federal government to increase the pay to military personnel. (Public Affairs)

New title: urging the federal government to increase the pay to all active and retired military personnel.

154, am 379-380, adop 390, H conc 477

HCR 22, urging the federal government to ensure that defense appropriations are spent in support of defense programs. (Public Affairs)

154, adop 380, 390

HCR 24, relative to integration of people with disabilities. (Public Institutions, Health and Human Services)

224, adop (RC) 655-657, 684

HCR 25, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. (Energy and Economic Development)

170, adop 240-242, 312

HCR 27, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests. (Banks)

New title: requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

599, am & LT 759-761, am 793-794, adop 818, H conc 1019, enr am 1079-1080

HCR 30, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel. (Environment) 483, adop 698, 723

HCR 31, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. (Energy and Economic Development)

316, adop 564-565, 594

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. (Energy and Economic Development)

224, K 772

HCR 33, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. (Interstate Cooperation)

483, adop 642-643, 684

HCR 34, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. (Energy and Economic Development)

599, K 773

HCR 35, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. (Wildlife and Recreation)

728, adop 992, 1019, enr am 1079

HOUSE RESOLUTION

- HR 51**, recommending impeachment of supreme court chief justice David A. Brock.
H message noting adoption of articles of impeachment, listing H managers, and text of articles of impeachment 1243-1245

**CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTIONS****1999 CONSTITUTIONAL AMENDMENT CONCURRENT
RESOLUTIONS REREFERRED TO COMMITTEE**

- CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes. (Judiciary)
686, K 902-903
- CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law. (Public Affairs)
K 583
- CACR 16**, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose. (Education)
H nonconc 16, remarks 17
- CACR 17**, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Education)
H nonconc 16, remarks 17
- CACR 20**, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. (Internal Affairs)
psd (RC) 83-86, (RC) 167, H nonconc 1020
- CACR 23**, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Education)
New title: relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deduct-

ing the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.
LT 56-57, am (RC) 181-200, psd (RC) 201, H nonconc 684

2000 CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTION

CACR 38, relating to the use of highway fund revenues. Providing that an amount not to exceed 9 percent of highway revenues shall be used to maintain and improve New Hampshire's rail infrastructure. (Sen. Russman, Dist 19 et al: Transportation)
15, K (RC) 295-296

TABLE OF REFERENCES FROM CHAPTER OF 2000 LAWS TO BILL NUMBER

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1	SB 86	51	SB 382	101	HB 1143
2	SB 162	52	HB 449	102	HB 1149
3	SB 176	53	HB 568	103	HB 1151
4	SB 29	54	HB 569	104	HB 1160
5	HB 448	55	HB 617	105	HB 1161
6	HB 1105	56	HB 630	106	HB 1191
7	HJR 6	57	HB 1179	107	HB 1194
8	HB 422	58	HB 1318	108	HB 1265
9	SB 89	59	HB 1362	109	HB 1322
10	SB 222	60	HB 1435	110	HB 1334
11	SB 36	61	HB 1462	111	HB 1368
12	HB 375	62	HB 1594	112	HB 1373
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14	SB 147	64	SB 331	114	HB 1390
15	SB 178	65	SB 333	115	HB 1405
16	HB 251	66	SB 336	116	HB 1422
17	SB 228	67	SB 357	117	HB 1465
18	HB 640	68	HB 51	118	HB 1583
19	SB 354	69	HB 279	119	HB 1614
20	HB 1616	70	HB 699	120	SB 186
21	HB 580	71	HB 1110	121	SB 307
22	HB 730	72	HB 1172	122	SB 313
23	HB 1136	73	HB 1175	123	SB 322
24	HB 1141	74	HB 1199	124	SB 339
25	HB 1186	75	HB 1234	125	SB 364
26	HB 1223	76	HB 1235	126	SB 370
27	HB 1386	77	HB 1256	127	SB 390
28	HB 1397	78	HB 1311	128	SB 407
29	SB 348	79	HB 1326	129	SB 417
30	SB 356	80	HB 1337	130	SB 455
31	SB 362	81	HB 1374	131	SB 456
32	HB 86	82	HB 1416	132	HB 305
33	HB 387	83	HB 1512	133	HB 1450
34	HB 1150	84	SB 76	134	SB 443
35	HB 1566	85	SB 381	135	HB 1156
36	HB 246	86	HB 1127	136	HB 1200
37	HB 1114	87	HB 1185	137	HB 1357
38	HB 1126	88	HB 1258	138	HB 1404
39	HB 1134	89	HB 1264	139	HB 1483
40	HB 1196	90	HB 1268	140	SB 170
41	HB 1206	91	HB 1272	141	SB 320
42	HB 1225	92	HB 1282	142	HB 310
43	HB 1283	93	HB 1301	143	HB 1131
44	HB 1287	94	HB 1321	144	HB 1163
45	HB 1378	95	HB 1413	145	HB 1242
46	HB 1409	96	HB 1502	146	HB 1344
47	HB 1455	97	HB 1588	147	HB 1410
48	HB 1523	98	SB 319	148	HB 1412
49	SB 341	99	SB 352	149	HB 1454
50	SB 355	100	SB 377	150	HB 1459

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153	HB 1559	203	HB 1592	253	SB 302
154	HB 1560	204	HB 1606	254	SB 308
155	SB 305	205	HB 1607	255	SB 324
156	SB 311	206	SB 316	256	SB 328
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159	SB 340	209	SB 392	259	SB 363
160	SB 344	210	SB 453	260	SB 368
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174	HJR 22	224	HB 1210	274	HB 1240
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179	HB 1107	229	HB 1424	279	HB 97
180	HB 1130	230	HB 1431	280	HB 226
181	HB 1195	231	HB 1438	281	HB 228
182	HB 1209	232	HB 1448	282	HB 413
183	HB 1244	233	HB 1582	283	HB 417
184	HB 1335	234	HB 1602	284	HB 505
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186	HB 1457	236	SB 310	286	HB 690
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188	HB 1468	238	SB 471	288	HB 725
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191	SB 315	241	HB 1563	291	HB 1198
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197	HB 1165	247	SB 469	297	HB 1510
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